
Report on the Review of the Murri Court

Report to the Honourable Kerry Shine MP
Attorney-General and Minister for Justice and Minister Assisting the Premier in
Western Queensland

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Department of Justice and Attorney-General: Our Vision

A safe, just and supportive Queensland community.

Department of Justice and Attorney-General: Our Purpose

To deliver open and accessible justice which inspires public confidence, social responsiveness and community harmony.

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EXECUTIVE SUMMARY

In Queensland, nearly 27% of all adult prisoners¹ and 60% of all juveniles in detention² are Aboriginal or Torres Strait Islander people. As Indigenous people constitute approximately 3.5% of Queensland's population³, the Queensland Government is seeking ways to reduce offending and create safer communities.

The Magistracy established Queensland's first sentencing court for Indigenous offenders in 2002. The court, known as the Murri Court, is a positive initiative and has become a locally supported Queensland response to address Indigenous over-representation in the criminal justice system. Individual Magistrates, service providers and local Indigenous communities have worked together to establish a Murri Court in the Adult Magistrates Court criminal jurisdiction and/or the Childrens Court in Brisbane, Caboolture, Rockhampton, Mount Isa and Townsville. The Murri Court has also recently started operating on a trial basis in Cherbourg.

In September 2005, the Honourable Linda Lavarch MP, previous Attorney-General and Minister for Justice commissioned an internal review of the Murri Court. The Review was to assess the court's effectiveness and whether its operations can be improved with a view to making it a recognised and permanent fixture of Queensland's Magistrates Court and Childrens Court system.

The Review was conducted by the Department of Justice and Attorney-General's (JAG) Strategic Policy Unit. Overall, 478 people provided feedback to the Review in their personal capacity or representing a government or non-government organisation.

Outcome update

Based on the outcomes of the Review, additional funding has been provided for the Murri Court. As part of the 2006-07 Budget, the Queensland Government provided \$5.2M over three years commencing January 2007 for the Murri Court. This report contains 18 recommendations and the Queensland Government has already committed to 17 of those recommendations. These outcomes are reflected in the report.

This immediate action demonstrates the Queensland Government's commitment to improving justice services to Aboriginal and Torres Strait Islander people.

Key Review Findings

During consultation, the majority of respondents reported that the Murri Court is a culturally appropriate sentencing court. The Review was often informed by Murri Court stakeholders that:

1. the Elders' and respected persons' involvement in the court process assists the offender developing trust in the court; and
2. the court's problem solving focus assists offenders to undertake rehabilitation and stop their offending conduct.

When asked about possible perceptions of the Murri Court as a 'soft option', stakeholders reported that the Murri Court is not lenient in its sentencing practices. The penalties are onerous on the offender as they often involve treatment and close supervision. Also, the presence of members of the offender's community in the court:

1. assists the offender to be more responsible for their offending behaviour; and
2. increases the offender's awareness of the impact of their offending on the victim and their own community.

The Murri Court does not sentence offenders who have committed major or serious offences of violence as these types of offences are dealt with in the District Court. From court records, the Review found that offences dealt with in the Murri Court are usually non-violent, such as stealing, receiving stolen property, unlawful use of a vehicle, illegal entry of premises, driving offences, drug offences, and breach of bail conditions. The categories of violent offences dealt with most often in the Murri Court are assaulting or obstructing police, breaches of domestic violence orders and assault. It is rare for the Murri Court to sentence offenders who have committed serious assaults.

During consultation, many respondents said that the Murri Court is more effective than other Magistrates Courts because:

1. the offender is acknowledged in the process; and
2. the offender is encouraged to change and be reintegrated into the community.

Murri Court stakeholders also said that the Murri Court is an effective mechanism for increased participation and ownership by the Indigenous community in the criminal justice process and that an additional goal of the Murri Court should be included to reflect the aim of community building and collaboration.

The Review found that limited data collection processes were in place to report on the outcomes of the Murri Court. As a result, it was not possible to conclusively determine whether the Murri Court is meeting its objectives of reducing imprisonment, decreasing the rate of re-offending and reducing the number of Indigenous offenders who fail to appear in court.

However, based on the number and type of Murri Court orders made across all places where the Murri Court sits, there are indications that the Murri Court is having success in its objective of diverting offenders from prison. Anecdotal evidence from Murri Court Magistrates is that many of the offenders appearing in Murri Court receive rehabilitative probation orders rather than imprisonment.

Due to the data collection problems identified as part of the Review, it is recommended that a further independent evaluation of the Murri Court take place when there are better mechanisms in place for collecting data.

Review recommendations and outcomes achieved to date

Recommendation 1

It is recommended that the existing objectives of the Murri Court be retained:

- to reduce the over-representation of Indigenous offenders in prison and juvenile detention;
- to reduce the rates of failure to appear at court; and
- to decrease the re-offending rate and number of court orders breached by Indigenous offenders.

It is recommended that the following objective be added:

- to strengthen the partnership between the Magistrates Court and Indigenous communities to deal with Indigenous justice issues.

Recommendation 2

It is recommended that:

- JAG develop and implement an information system/database to collect the data required to monitor and evaluate the performance of the Murri Court;
- the information system/database is developed in consultation with Queensland Government agencies that have an Indigenous criminal justice research agenda; and
- court staff are trained and provided with adequate supervision on inputting data and operating the information system/database.

Recommendation 3

It is recommended that:

- an independent qualitative and quantitative evaluation of the Murri Court take place to determine if the Murri Court is meeting its goals;
- the independent evaluation of the Murri Court include an assessment of the cost and efficiencies of the Murri Court, including staff time and resources expended by Queensland Government agencies in supporting the Murri Court; and
- planning for the evaluation and the development of the Murri Court database (as referred to in

Outcome update

The Queensland Government supports the additional objective of the Murri Court.

Outcome update

In the 2006-07 Budget, the Queensland Government provided \$60,000 to develop an information system/database to collect data on the operation of the Murri Court.

Outcome update

In the 2006-07 Budget, the Queensland Government provided \$100,000 for an independent evaluation of the Murri Court to be undertaken. The evaluation will take place over two years commencing 1 January 2007 and the results of the evaluation are to be reported in the 2009-10 Budget.

recommendation 2) occurs simultaneously so that the independent evaluator has appropriate data available to complete the evaluation.

Recommendation 4

It is recommended that JAG:

- appoint a Murri Court liaison officer in each location where a Murri Court sits; and
- appoint a State-wide Murri Court co-ordinator to assist the Chief Magistrate to manage and co-ordinate the Murri Court that operates throughout Queensland.

Recommendation 5

It is recommended that, at the direction of the Chief Magistrate, the Murri Court Magistrates be relieved of their usual court duties as required to build relationships to maintain their local Murri Court.

Recommendation 6

It is recommended that a daily expense allowance is paid to each Elder and/or respected person (up to four Elders per day) who advises the Murri Court.

Recommendation 7

It is recommended that JAG arrange transport:

- for Elders and respected persons to attend the Murri Court; and
- to facilitate the court liaison officer's work to engage with the Indigenous community and rehabilitative service providers.

Recommendation 8

It is recommended that JAG partner with the Department of Employment and Industrial Relations to explore the possibility of developing a whole-of-Government policy to allow Aboriginal and Torres Strait Islander State public sector workers to take paid special leave for the hours they spend supporting the Murri Court. This policy would only apply to those workers whose general duties did not include supporting the

Outcome update

In the 2006-07 Budget, the Queensland Government funded seven new positions over three years to support the Murri Court – one State-wide co-ordinator and 6 Court liaison officer positions.

Outcome update

In the 2006-07 Budget, the Queensland Government provided additional funds over three years for Magistrate relief throughout Queensland that can be used at the discretion of the Chief Magistrate.

Outcome update

In the 2006-07 Budget, the Queensland Government provided funding over three years for an expense allowance of \$36.50 per day for each Elder or respected person who advises the Murri Court Magistrate on Murri Court sitting days.

Outcome update

In the 2006-07 Budget, the Queensland Government funded the lease of vehicles and/or provision of taxi vouchers to transport Elders to and from the Murri Court on sitting days and for other associated Murri Court business.

Outcome update

JAG and the Department of Employment and Industrial Relations agreed to explore the possibility of amending the Special Leave directive (1/05) for this purpose.

Murri Court.

Recommendation 9

It is recommended that the Court Registrar in each Murri Court location arrange for the Elders, respected persons and community justice group members who support the Murri Court to have access to a room in the Magistrates Court on Murri Court sitting days, where they can meet prior to court, read documentation on court matters, and have lunch.

Recommendation 10

It is recommended that JAG provide community justice groups, Elders and respected persons who support the Murri Court with ongoing training in Magistrates Court and Childrens Court processes and sentencing options.

Recommendation 11

It is recommended that JAG provide training for Murri Court stakeholders including:

- a biennial Magistrates Conference to discuss Aboriginal and Torres Strait Islander criminal justice and juvenile justice issues; and
- training in court processes and cultural awareness for all stakeholders in the Murri Court, including the police, corrections officers, government and non-government service providers.

Recommendation 12

It is recommended that the Chief Executive Officer Committee on Law and Justice consider undertaking a two year project to:

- undertake research into examining the rehabilitative needs of Indigenous offenders as part of the Indigenous Criminal Justice Research

Outcome update

The JAG Court Administrator agreed to ensure that a room in each Magistrates Courthouse (where the Murri Court currently sits) is to be made available for Elders, respected persons and community justice group members to use on Murri Court sitting days.

Outcome update

In the 2006-07 Budget, the Queensland Government funded \$245,000 over three years to be used to:

- *train community justice groups, Elders and respected persons so they are better equipped to assist the Murri Court; and*
- *provide greater community awareness and understanding of the Murri Court.*

Outcome update

In the 2006-07 Budget, the Queensland Government has funded:

- *a Murri Court conference to be held for the Chief Magistrate, Murri Court Magistrates, Murri Court staff, community justice group members, Elders and respected persons to attend; and*
- *training in court processes and cultural awareness for all Murri Court stakeholders.*

Outcome update

The Chief Executive of the Department of Justice and Attorney-General requested the CEO Committee on Law and Justice place this project on the Indigenous Criminal Justice

Agenda; and

- identify and develop a proposal for a range of diversionary programs to meet Indigenous justice outcomes.

Recommendation 13

It is recommended that the Queensland Government make submissions to the Commonwealth Government for increased funding for Indigenous legal services so that they can continue to provide a high quality service to their clients in the Murri Court.

Recommendation 14

It is recommended that:

- a legislative base be developed for aspects of the Murri Court that require certainty and consistency in approach;
- the resulting draft legislation is to be the subject of further face-to-face Indigenous community and Murri Court stakeholder consultation in areas where the Murri Court sits; and
- the draft legislation should allow each Murri Court to retain flexibility to deal with local issues.

Recommendation 15

It is recommended that JAG's Queensland Wide Interlinked Courts (QWIC) system be adjusted to provide for the Murri Court to be identified as part of the record of appearance to facilitate the offender reappearing in the Murri Court on later charges or breaches.

Research Agenda.

Outcome update

The Queensland Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland will write to the Commonwealth Attorney-General about the need for increased funding for Indigenous legal services to support the Murri Court and its clients.

Outcome update

The Queensland Government will examine the benefits of a legislative base after it has considered the results of the Murri Court evaluation. In the interim, the Queensland Government supports:

- *amendments to general legislation to ensure that appropriate protection and obligations exist (including the lawful disclosure and use of confidential information) for Elders and representatives of community justice groups who provide submissions to courts, including the Murri Court; and*
- *implementation of a consistent appointment process for Murri Court Elders and respected persons, incorporating criminal history checks, to be administered by JAG.*

Outcome Update

JAG agreed to adjust the QWIC system to provide for the Murri Court to be identified as part of the record of appearance.

Recommendation 16

It is recommended that:

- the names “Murri Court” and “Youth Murri Court” be retained for the Murri Court on the Queensland mainland; and
- communities served by a Murri Court may suggest an alternative court name to make the court more inclusive of Torres Strait Islanders.

Recommendation 17

It is recommended that the JAG State-wide Murri Court co-ordinator explore and report to the Queensland Government on options, appropriate mechanisms and support to include victims in the Murri Court process.

Recommendation 18

It is recommended that the future development of the Murri Court is considered following the results of the independent evaluation of the Murri Court in 2009-10.

Outcome Update

The Queensland Government supports this recommendation.

Outcome update

The Murri Court co-ordinator position was filled by JAG in October 2006 and will implement this recommendation.

Outcome Update

As part of the 2006-07 Budget, the Queensland Government has provided \$100,000 for an independent evaluation of the Murri Court to take place and the results to be reported in the 2009-10 Budget.

In Summary

The Review found that the Murri Court is effective in providing practical access to justice for Aboriginal and Torres Strait Islander offenders and provides responsive justice outcomes that focus on the rehabilitation and reintegration of the Indigenous offender into their community.

The above recommendations have been made to better facilitate Indigenous community participation in court process and community involvement in sentencing orders. Without the commitment, hard work and support of Aboriginal and Torres Strait Islander people, the Murri Court would not continue to operate.

¹ Department of Corrective Services (2006)

² Department of Communities: Unpublished

³ Australian Bureau of Statistics Experimental Population (2005) Low Series

CHAPTER ONE: BACKGROUND TO THE REVIEW

The first Murri Court commenced in 2002 at the Brisbane Magistrates Court. It was an initiative of the Magistracy and was accommodated within existing Magistrate Court resources. The Magistracy developed the Murri Court initiative as a culturally appropriate criminal justice strategy to curb Indigenous offending.

At the time of commissioning this Review, the Murri Court (for children and/or adults) had been established in Brisbane, Rockhampton and Mount Isa in the criminal jurisdiction of the Children's Court and Magistrates Court. Since commencing the Review, the Murri Court has been established in Townsville and Caboolture. In November 2006, the Murri Court also started operating on a trial basis in Cherbourg.

Concerns had been raised about the consistency and permanency of the Murri Court, particularly since it is not expressly provided for in any legislation (apart from a requirement to consider advice from community justice groups under the *Penalties and Sentences Act 1992* and the *Juvenile Justice Act 1992*.)

Purpose of the Review

In September 2005, the Honourable Linda Lavarch MP, previous Attorney-General and Minister for Justice (the Attorney-General) commissioned a Review of the Murri Court to:

- (a) understand and assess the Murri Court's objectives, functions and processes;
- (b) determine whether its objectives are being met;
- (c) identify how much it costs to operate;
- (d) determine whether new laws are needed for its continued operation;
- (e) determine whether it is adequately resourced to perform its functions; and
- (f) identify what changes would improve it.

The information obtained as part of the Review was to assist the Attorney-General to assess whether the Murri Court should be formalised as part of Queensland Government policy and whether additional resources should be sought for the Murri Court.

The rest of this chapter sets out the Review process, a short history of the first Murri Court, reasons for the development of an Indigenous court and a description of other Australian Indigenous courts.

Review Process

The Review was conducted by Strategic Policy, the policy unit within JAG. Consultation and community engagement strategies for the Review included:

- (a) media announcements - press releases in newspapers and radio advertisements on Indigenous radio to announce and promote the Review;
- (b) establishing a free phone number so people could contact the Review and find out more information about the Review or make a telephone submission;
- (c) publishing a small, easy-to-read booklet and posting it to all government departments, relevant Indigenous organisations, community justice groups, service providers and every court house. The booklet included information on the Murri Court and the Review and sought submissions to inform the Review; and

- (d) calling for submissions via the Queensland Government's *Consult QLD* and JAG website. Submissions were also received via email and the post.

In addition, face to face consultations with key stakeholders were held in Brisbane, Ipswich, Logan (and Beaudesert), Caboolture, Toowoomba, Murgon, Cherbourg, Kingaroy, Rockhampton, Woorabinda, Mount Isa, Townsville, Cairns, Yarrabah and Thursday Island. Stakeholders consulted in these meetings included:

- (a) the Magistracy;
- (b) community justice groups and those Elders and respected persons advising the Murri Court Magistrates;
- (c) Indigenous community leaders and members;
- (d) legal services that represent Indigenous people;
- (e) Government Departments; and
- (f) service providers.

Forty-two people provided telephone submissions or sought information about the Review via the telephone. Seventy-four written submissions from individuals or organisations were received and 128 organisations participated in the face-to-face interviews or meetings. Overall 478 people participated in the Review. The appendix sets out the organisations that participated in the Review.

The Review team led discussions in the face-to-face interviews with stakeholders. While the Review team endeavoured to be consistent in asking questions in the targeted consultations, there were some variations due to stakeholders focusing on local issues. Written notes of each interview were made and analysed to determine the varying views of respondents on each issue canvassed.

The Review team decided not to interview offenders for both practical and ethical reasons. Some offenders return to Corrective Services custody immediately following their hearing, so are unavailable for interview. Where the offender is available for interview, it seemed inappropriate to approach them as the Murri Court can be an emotional experience for many offenders.

Observations by Review team members of the Murri Court were undertaken to gain a first hand understanding of how each Murri Court operates, including the roles of participants, the procedural differences with the 'mainstream' court and the physical environment of the court. A Review team member observed the Brisbane Adult Murri Court proceedings on a weekly basis for several weeks. In addition, a Review team member observed the Brisbane Youth Murri Court, the Caboolture Youth Murri Court, and the Townsville and Rockhampton Adult Murri Court. In total, 34 matters heard in a Murri Court were observed.

The Mount Isa Murri Court was not operating when the Review team visited Mount Isa in December 2005. The Review team was unable to observe that Murri Court and has relied on the views of Murri Court stakeholders on the operation of the court.

JAG, the Department of Communities (Youth Justice Services) and individual Murri Court Magistrates provided the Review with quantitative information on the operation of the Murri Court, including court workload, offender demographics and court outcomes. It was intended that an analysis of this data would assist in determining how well the Murri Court has performed in meeting its stated objectives. However, this proved difficult to achieve due to problems with the data. This is discussed in Chapter 3 of the report.

History of the Murri Court

Versions of the 'Indigenous court' concept have evolved internationally, for example, in Canada and New Zealand, and over recent years, in Australia. In South Australia the 'Nunga Court' has been in operation since 1999.

The former Chief Magistrate, Di Fingleton, recognised the Nunga Court and its efforts to address Indigenous justice issues including the over-representation of Indigenous offenders in the prison system. She asked Deputy Chief Magistrate Brian Hine to develop a similar initiative for Queensland. Mr Hine visited South Australia and observed the Nunga Court in operation, before meeting with Indigenous community members and representatives of relevant agencies to discuss the concept of a 'Murri Court' in Brisbane. The GUMURRII Centre at Griffith University had a key role in this process and was instrumental in assisting the development of the concept.

A series of meetings followed, during which the Brisbane Community Elders group agreed to support the Murri Court. Magistrates, Community Corrections staff and Elders also visited the providers of rehabilitative services that could assist Indigenous offenders sentenced by the Murri Court.

The Brisbane Murri Court commenced operation in August 2002. Initially, the Brisbane Murri Court sat fortnightly for half a day. It now sits for a full-day every Wednesday to deal with increased demand.

Since 2002, the Murri Court has been established in other locations throughout Queensland by Magistrates who have also identified a need for a Murri Court in their district and have gathered sufficient support from court staff, the local Indigenous community, government and non-government service providers to commence operations.

Why develop an Indigenous Court?

The 1991 Report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)¹ found that the disproportionate rate at which Aboriginal people are arrested and imprisoned in Australia is the principal and immediate explanation for Aboriginal deaths in custody.

Since that Report, the Commonwealth, State and Territory Governments have committed to reducing the over-representation of Indigenous people in the criminal justice system.

In 2000, the Queensland Government entered into the Queensland Aboriginal and Torres Strait Islander Justice Agreement (the Justice Agreement) with the Aboriginal and Torres Strait Islander Advisory Board. The Board is now disbanded but the agreement still stands. The goal of the Justice Agreement is to achieve a sustainable long term reduction in the numbers of Indigenous people coming into contact with the Queensland criminal justice system over a ten year period.

In 2003/2004, 435 Indigenous juveniles (10 to 17 years of age) were admitted to detention in Queensland.² There were 55 Indigenous juveniles in detention as at 30 June 2004, which was 60% of all the young people in juvenile detention in Queensland as of that date. Indigenous young people are 23 times more likely than non-Indigenous young people to be in juvenile detention facilities (based on average rates of detention data).³

In 2005/2006, 1,497 sentenced Indigenous adult offenders were admitted to corrections custody in Queensland. This figure represented 32% of all admissions.⁴ As at 30 June 2005, 1332 Queensland prisoners were Indigenous and this constituted 24.9% of all adult prisoners in high or low security custody as of that

date.⁵ An Indigenous adult is 12.7 times more likely than a non-Indigenous adult to be imprisoned (based on imprisonment rates data).⁶

These statistics demonstrate that the Queensland Government must continue to develop workable Indigenous justice strategies to reduce offending and the imprisonment and detention of Indigenous people. The Murri Court is an initiative to help address the over-representation of Indigenous people in the criminal justice system.

Other involvement of Indigenous communities in the court process

While not specifically operating as a Murri Court, several Queensland Magistrates Courts are formally assisted by community justice groups, Elders and respected persons when dealing with some Indigenous offenders on some matters. During consultation, the Review was advised that Indigenous communities are involved as advisers to the Children's or Magistrates Court in Toowoomba, Woorabinda, Mackay, Tully, Mareeba, Innisfail, Mossman, Doomadgee, Normanton, Mornington Island, some Cape York communities and Badu Island in the Torres Strait.

In addition, the Indigenous Justices of the Peace (JP) (Magistrates Court) operate in some remote Indigenous communities. Indigenous people who qualify as a JP (Magistrates Court) can constitute a Magistrates Court in remote communities and deal with some matters. These courts are currently hearing breaches of community by-laws and minor summary offences.

To date, JP (Magistrates Court) operate in Cherbourg, Kowanyama, Mornington Island, Doomadgee, Pormpurrav, Woorabinda, Hopevale, Wujal Wujal, Yarrabah, Aurukun, Lockhart River, Badu Island, Thursday Island, Old Mapoon, Napranum, Bamaga and Palm Island.

Indigenous Courts in other Australian jurisdictions

Other States and Territories have sought to reduce the number of Indigenous people in the criminal justice system by introducing Indigenous court programs. An alternative model to the Victorian Koori Court and Queensland's Murri Court is the New South Wales Circle Sentencing Court. This court is designed for more serious or repeat offenders (likely to receive a custodial sentence) and aims to achieve full community involvement in the sentencing process. This model has been adopted by the Australian Capital Territory in its pilot Ngambra Circle Sentencing Court that commenced in May 2004. The Northern Territory is trialling Community Courts that are also based on the Circle Sentencing approach.

Literature on Indigenous courts

With the expansion of Indigenous courts in Australia, there is a small but growing literature base on this topic. Most articles focus on describing and comparing these initiatives⁷ including descriptive reports published by Government authorities⁸. The literature also includes reports on reviews, specifically of circle sentencing in NSW⁹, the Victorian Koori Court¹⁰ and Professor Cunneen's evaluation of the Queensland Justice Agreement. Members of the judiciary and magistracy who preside over Indigenous courts have also presented papers at conferences¹¹. The report refers to literature findings where relevant.

Outline of the Review report

The rest of the Review report addresses the main issues raised in the consultation booklet titled *Review of the Murri Court: Have Your Say*.

- understanding and assessing the Murri Court's objectives, functions and processes;

- determining whether the court's objectives are being met and assessing its effectiveness, including participant/community satisfaction;
- determining whether the court is adequately resourced to perform its functions;
- and
- identifying the changes that would improve the court.

¹ Royal Commission into Aboriginal Deaths in Custody (1989-1992) National Reports AGPS Canberra

² Source: Department of Communities – unpublished. More recent data not available.

³ Source: Veld, M & Taylor, N Statistics on juvenile detention in Australia: 1981-2004 Australian Institute of Criminology, 2005

⁴ Source: Department of Corrective Services – unpublished

⁵ Source: Department of Corrective Services Annual Report 2004-05

⁶ Source: ABS Prisoners in Australia, 30 June 2005 cat. no. 4517.0

⁷ See for example Marchetti, E & Daly, K (2004)

⁸ See for example Tomaino, J (2004); Westcott, M (2006)

⁹ Potas, I et al (2003)

¹⁰ Harris, M (2006)

¹¹ See for example Magistrate Hennessy (2005); Magistrate Manthey (2004); Judge Bradley (2006)

CHAPTER TWO: UNDERSTANDING AND ASSESSING THE MURRI COURT'S OBJECTIVES, FUNCTIONS AND PROCESSES

Description of each Murri Court that sits in Queensland

Where the Murri Court sits

To date, the Murri Court sits in six locations:

- The Brisbane Adult Murri Court (sitting once per week) established in 2002 by the former Chief Magistrate, Di Fingleton and the Deputy Chief Magistrate Brian Hine;
- The Rockhampton Adult Murri Court (sitting once per month) established by Magistrate Hennessy in June 2003. She subsequently established the Youth Murri Court in October 2004;
- The Mount Isa Adult Murri Court (sitting once per month) established by Magistrate Manthey as a pilot in February 2004. The pilot was suspended in May 2005. The Magistrate reconvened the court in December 2005. A Youth Murri Court commenced after the Review was completed, in July 2006;
- The Brisbane Youth Murri Court (sitting twice per month) established by Magistrate Pascoe in March 2004;
- The Caboolture Youth Murri Court (sitting once per month) established in February 2006 by Magistrate Allingham; and
- The Townsville Youth Murri Court (sitting weekly) and the Townsville Adult Murri Court (sitting twice per month) established by Magistrate Glasgow in February and March 2006 respectively.

Since the conclusion of the Review, the Murri Court has also recently started operating on a trial basis in Cherbourg.

The following describes the features of the Murri Court. The information has been collated by the Review team observing the Murri Court and speaking to the key stakeholders of the court – the Magistrate, the coordinator of the community justice group, Elders and respected persons, the Community Corrections officer, the youth justice court officer, the prosecutor and the Indigenous legal service representing the offender in court. Other sources of information include government publications and papers prepared by Magistrates.

What is the Murri Court

The Murri Court is a Magistrates Court or a Children's Court constituted by a Magistrate which is designed specifically for Aboriginal and Torres Strait Islander offenders.

The Murri Court involves Indigenous Elders or respected persons in the court process. The role of Elders and respected persons can include:

- (a) advising the Magistrate about cultural issues;
- (b) assisting the offender in understanding court processes;
- (c) assisting the Magistrate to decide on a sentence that is most appropriate; and
- (d) acting as a connection between the court and the local Indigenous communities.

The Elders' and respected persons' role in the Murri Court is authorised under section 9(2)(o) of the *Penalties and Sentences Act 1992* (PSA) that provides a court must have regard to relevant submissions made by community justice groups, including Elders and respected persons, when sentencing Aboriginal and Torres Strait Islander offenders.

Numbers of defendants appearing in the Murri Court

In the Brisbane Adult Murri Court, approximately 180 offenders were sentenced in the years 2004 and 2005, with an average of 90 offenders each year¹. In the Brisbane Youth Murri Court, 52 offenders were sentenced in the period March 2004 to November 2005, with an average of 26 each year².

The Rockhampton Adult Murri Court sentenced 71 individual offenders in the period June 2003 to April 2006, with an average of 29 offenders per year³. The Rockhampton Youth Murri Court sentenced 20 individual offenders between October 2004 and March 2006, an average of 15 per year⁴.

In the 15 month pilot of the Mount Isa Murri Court, 42 offenders appeared (February 2004 to May 2005). The Murri Court re-commenced in December 2005. At the December 2005 sitting 7 offenders appeared⁵.

Types of Offences dealt with in the Murri Court

The Murri Court does not sentence offenders who have committed major or serious offences of violence as these types of offences are dealt with in the District Court. An examination of Murri Court records for Brisbane, Rockhampton and Mount Isa for 2004 revealed that the types of offences dealt with in the Murri Court were usually minor or non-violent offences. The types of matters dealt with most frequently were property offences – stealing, receiving stolen property, unlawful use of a vehicle, and illegal entry of premises. The next most frequently occurring types of charge were driving offences, drug offences and breach of bail conditions. The category of violent offence dealt with most often in the Murri Court was assaulting or obstructing police, followed by breaches of domestic violence orders and assault or threaten assault. It was rare for the Murri Court to sentence offenders who had committed serious assaults.

Data from the Rockhampton Adult Murri Court (for the period between June 2003 and April 2006) shows that most people sentenced in the court were repeat offenders. Only 8.5% of offenders appearing had no previous criminal history as an adult.

Legal Process in the Murri Court

The legal processes of the Murri Court are designed to be more informal and less intimidating than the mainstream Magistrates Court. Whilst the Murri Court is physically similar to other court rooms, it is decorated with the work of Indigenous artists (paintings and artefacts) and some Murri Courts are adorned with Aboriginal and Torres Strait Islander flags.

The offender is not handcuffed or placed in the dock even if on remand. Instead, the offender sits at the bar table with all the other court participants.

At the commencement of the sentencing hearings for the day, the Magistrate shows respect for the Elders and families of the offenders present in the court room by introducing himself or herself. The Magistrate explains the charges against the offender in simple language. The offender then enters a plea of guilty for those offences, after acknowledging that the charges and offences have been understood.

The Magistrate encourages the offender to speak directly and openly to the court and the Elders (rather than speaking through their legal representative as in the general Magistrates Court). The Magistrate may admonish the offender and ask them to acknowledge the impact that their offending behaviour has had on the victim. The offender may be questioned about why he or she has offended, and encouraged to talk about the problems they have experienced that led to their offending behaviour. Should family members or friends of the offender be present, they will often be invited to speak.

The Magistrate will ask the Elders if they wish to speak and then defers to them, allowing each of them to address the offender in turn. The Elders may challenge the offender, usually in a gentle way, and explain to the offender about the impact of their offending on their community, their family and themselves. Elders may address the cultural/lifestyle issues relevant to the offender, challenge the offender to take control of their lives and even offer them practical advice in that regard.

The role of the Department of Corrective Services officer, Department of Communities officer, the prosecutor, the offender and legal representative in court

The Magistrate will invite the Corrective Services officer to speak about a suitable sentence for the offender, including recommendations about strategies for addressing offending behaviour. If the matter is heard in the Youth Murri Court, the role of the Department of Communities' representative is to provide submissions and information to the court based on an assessment of factors such as those contributing to the offending, the young person's attitude to the offence and consequences experienced by the young person. They also provide information about programs and services that the Department can provide which would appropriately address the young person's offending.

Similarly, oral submissions are invited by the Magistrate from the prosecutor and the offender's legal representative. The legal representative will often raise issues that influence their client's behaviour and indicate their readiness to commit to a course of action to address those issues. The Magistrate may ask the Elders to comment on a possible sentence or diversionary options.

The Magistrate is the decision-maker in the Murri Court

The Magistrate is responsible for the court orders and any sentences made in the Murri Court. The Magistrate considers the submissions made by all court participants. When handing down a sentence, under section 9(2)(a) of the PSA, the Magistrate considers imprisonment as the last resort and seeks to refer the offender to drug, alcohol and counselling services. If violence was committed as part of the offence, under section 9(4) of the PSA, the Magistrate must have regard to the risk of harm to the community and the victim. If the offender is a child, the Magistrate recommends suitable educational, sporting and pre-vocation courses.

Should the Magistrate decide to give a non-custodial sentence, the order is described in simple language. The Magistrate also emphasises the obligations of the order on the offender and asks them to acknowledge that they understand these obligations and the implications should they not meet the requirements of the order.

Marchetti and Daly suggest that the process of communication between court participants is a core element of the Indigenous courts. An honest exchange of information gives the judicial officer "*a better understanding of offenders and the context of their offending*"⁶.

Engagement with the offender in the Murri Court

The Elders assist in the offender 'opening up' and developing trust in the court. Many offenders will respond and speak about their behaviour, its impact on themselves and others, and underlying problems. Offenders may express their regret for their actions and some will state their desire to apologise to victims.

During the Murri Court process offenders often become emotional. The Magistrate may ask the offender if their show of emotion is an indication that they are remorseful and ready to commit to making changes in their lives.

Murri Court participants, including the offender, talk with each other about the offences and the offender's circumstances. Discussions may include, for example, their offending history, issues underlying their offending (such as their background, upbringing and issues such as abuse as a child, problems at school and alcohol abuse), outcomes of previous sentences, and efforts made to change.

The process described above can involve a substantial amount of time. The aim is to lessen the anxiety felt by offenders and encourage their participation in, and understanding of, the process. The Murri Court process seeks to ensure that the offender is part of the judicial process and is not an anonymous person sitting passively in court. The process focuses on the offender's background to find causes for their offending behaviour.

The NSW review of Circle Sentencing (Potas et al) found that the participation of respected Aboriginal people "*enables creative sentencing options to be implemented*", based upon community members' understanding of the offender's problems and the availability and suitability of local services. Having the offender face their own community was considered to be the most powerful part of the sentencing process.⁷

Adjournments as part of the Murri Court process

After the offender enters a plea, the Murri Court is often adjourned for assessments to be made or for the offender to complete programs to address problems.

When the defendant fails to appear

Where offenders fail to appear in the Murri Court, the Magistrate does not automatically issue warrants until they receive information as to whether the offender may have cultural reasons for missing court.

Differences in the Murri Court

Differences in the Murri Court result from the local Murri Court Magistrate varying the court procedure in response to local needs, including the views of the local Elders and the community justice group.

Eligibility

Adult Murri Court

In all Adult Murri Courts (except the Rockhampton Murri Court) the eligibility requirements are that the defendant must:

- (a) be Aboriginal or Torres Strait Islander;
- (b) have pleaded or intend to plead guilty to an offence in the Magistrates Court;
and
- (c) have consented or requested to be sentenced in the Murri Court.

Eligible defendants are also typically at risk of receiving a prison sentence, with the Magistrate having requested a pre-sentence report from the Department of Corrective Services.

Youth Murri Court

To be eligible for the Youth Murri Court:

- (a) the matter must be referred from a Children's Court and be within the Magistrates Court jurisdiction;
- (b) the person must be a child under Queensland law (under 17);
- (c) the young person must be Aboriginal or Torres Strait Islander;
- (d) the young person must enter a guilty plea; and
- (e) the young person must request their legal representative to have the matter dealt with by the Youth Murri Court (who then requests that the matter be transferred to the Youth Murri Court).

The court is presided over by the Children's Court Magistrate. The young people selected for the Murri Court are those who have been charged with a wide range of offences and may be facing a period of detention ⁸.

In the Rockhampton Adult and Youth Murri Court, eligibility is the same as above except Australian South Sea Islanders are also eligible to be sentenced.

Court environment

In Brisbane and Caboolture, the Magistrate does not wear a robe and the police prosecutor does not wear a uniform. The participants, including the Magistrate, Elders, the offender, legal services representative, Community Corrections officer and police prosecutor, sit together around a conference table. In the Brisbane Youth Murri Court, the Magistrate and Elders sit at one table facing another table where the offender and other court participants sit.

However, the Murri Court in Rockhampton, Townsville and Mount Isa has opted to retain traditional court formality of dress and seating arrangements. In these locations, the usual Magistrates Court with a bar table facing the bench is used. The offender and other court participants sit at the bar table and the Magistrate and Elders sit on the bench. This departure from the more informal nature of the Brisbane and Caboolture Murri Court resulted from consultation with the Elders, who wanted to ensure that local offenders realised that the process was a Court process with appropriate authority.

Number of Elders or respected persons assisting the Magistrate

In the Brisbane and Mount Isa Adult Murri Court and Caboolture Youth Murri Court, two Elders or respected persons assist the Magistrate. In Rockhampton and Townsville, one Elder sits with the Magistrate and any number of Elders sit behind the bar table and can also make statements or comments during the sentencing process.

In the Murri Court where two Elders sit, where possible, a man and a woman are appointed to give both a male and female perspective to the offending behaviour.

Selection Process for Elders and respected persons

The selection process for Elders and Respected persons varies across the State. In Brisbane and Caboolture, the presiding Magistrate recruits the Elders and respected

persons to assist by calling for expressions of interest from the local Indigenous community. From there, Elders and respected persons are selected to assist and any further appointments are made as a result of the Magistrate being guided by the appointed Elders and respected persons as to who would be suitable.

In Rockhampton and Townsville, the community justice group advises the Magistrate of the names of the Elders and the community justice group ensures the Elders attend court.

In Mount Isa, the approach has varied. Originally under the first pilot, the community justice group recruited Elders. However, there were sometimes gaps in attendance. Under the reconvened Mount Isa Murri Court, the Magistrate has recruited the Elders and a court officer arranges a roster for attendance. The local community justice group is consulted in the process.

To ensure there are sufficient Elders and respected persons to assist the Magistrate, a panel of six to twelve Elders or respected persons is sought to be maintained by each Magistrate who presides over a Murri Court.

Role of the Elders, justice panel or community justice group

0In Rockhampton, Townsville and Mount Isa, community justice panels or community justice groups have a significant role in the Murri Court.

In Rockhampton, the Fitzroy Basin Elders Committee is an independent incorporated group that has several functions, not limited to advising the Murri Court or on justice issues. In addition, Adult and Youth community justice panels (or community justice groups) comprised of Aboriginal, Australian South Sea Islander and Torres Strait Islander people have also been established in Rockhampton. Many of the justice panel members are employed in justice agencies, the Department of Corrective Services or health and related services. This facilitates coordination and networking between agencies and assists in linking offenders to appropriate services. The Elders and justice panels have different roles on the Murri Court but work together to support the Murri Court.

In Rockhampton and Mount Isa, when the offender is referred to the Murri Court, the court orders pre-sentence reports from both the community corrections officers and the local community justice group (or in Rockhampton, the adult justice panel). The police or the Magistrate provides the community justice group with a summary of the police allegations and the criminal history of the offender. Written reports are prepared by both organisations following interviews with the offender and their family and following liaison regarding the availability of suitable programs. The interviews take place before the Murri Court hearing.

In the Rockhampton Youth Murri Court, the pre-court process involves a Department of Communities case worker and the youth justice panel preparing a report on each child who appears before the Murri Court. Prior to court, the youth justice panel talks to the offender and their family about their offending and its impact on the community.

In Rockhampton, as part of the court order for the sentence or bail conditions, the Magistrate usually orders the offender to meet with the Fitzroy Basin Elders Committee once per week or month. This gives the offender a regular opportunity to talk to the Elders in an informal setting and start to reintegrate into the community.

Use of bail based programs prior to sentencing

Some Murri Courts use bail based programs prior to sentencing as a means to assess whether an offender is seeking to rehabilitate themselves. The Magistrate can then take into account the offender's participation in a diversionary program to determine the appropriate sentence.

For example, in Mount Isa, the Magistrate will ask an offender if they would like to appear in the Murri Court if they face the prospect of going to jail due to the severity or repetitive nature of the offences alleged to have been committed. These Murri Court candidates are sometimes placed on three to four month bail orders so that the justice group, legal service, alcohol rehabilitation service, and Corrective Services can do assessments and provide the Magistrate with the reports and information they need to make a decision about sentencing. The offender is then sentenced in the Murri Court. Successful completion of the program will be taken into account on sentencing.

On matters where the bail based programs are employed, the prosecutor's role becomes less adversarial. The prosecutor (in conjunction with the other court participants) is seeking to find what is best for the community, the offender and the victim.

Victim involvement

Most Murri Courts only provide for the involvement of victims on an informal basis. The exception is Mount Isa where victims have the opportunity to speak in the Murri Court.

Dedicated Murri Court staff

To date, the Murri Court does not have a court liaison officer to assist the court and Murri Court Magistrate. Instead, in each Murri Court location, the Murri Court Magistrate works closely with one or more government and/or non-government officer, for example, a Magistrates Court or a Childrens Court staff member or a community justice co-ordinator, to maintain the Murri Court.

Few Murri Courts have dedicated Department of Corrective Services and/or Department of Communities staff to support the court.

The Department of Corrective Services in Brisbane employs a Community Corrections Court Liaison Officer to make recommendations on community probation for the Murri Court. In other Murri Court locations, Community Corrections Officers perform similar functions for the Murri Court as part of their range of duties.

In the Brisbane Youth Murri Court, the Department of Communities employs a Court Resource Officer (an identified Indigenous position) to assist defendants to get to court and to maintain their link with the Department for supervision until the court date.

¹ This figure is likely to be slightly less than the actual number as the QWIC court data source did not identify every Murri Court matter.

² Source: Court Services Unit, Department of Communities

³ Source: Magistrate Hennessey

⁴ Source: Magistrate Hennessey

⁵ Source: Mount Isa Registry, Magistrates Court

⁶ Marchetti, E & Daly, K (2004) p 5

⁷ Potas, I, et al (2003) p 52

⁸ Source: Court Services Unit, Department of Communities

CHAPTER THREE: ARE THE OBJECTIVES OF THE MURRI COURT BEING MET?

Analysis of current objectives

The Murri Court fact sheet published by JAG (as updated on 23 May 2005) states that the objectives of the Murri Court are:

- (a) to help redress the over-representation of Indigenous offenders who pass through the criminal justice system and who end up in prison;
- (b) to reduce the number of Indigenous offenders who fail to appear in court, which can lead to the issue of warrants for arrest and imprisonment; and
- (c) to decrease the re-offending rate of Murri offenders and the number of court orders which are breached, which can also lead to prison.

These objectives were developed by the former Chief Magistrate when establishing the first Murri Court at Brisbane in 2002 and were based on the objectives of the South Australian Nunga Court.

The Review consultation process affirmed the objectives of the Murri Court as relevant. However, respondents generally did not make statements about whether the objectives had been met.

Mostly respondents supported the Murri Court concept because it involved Indigenous people in the justice system and made the justice system more responsive to the needs of Indigenous offenders and thus more culturally appropriate than other Magistrates Courts.

Interviewed Elders and respected persons who sit on the Murri Court strongly believed that the Murri Court is “more powerful” than other Magistrates Courts because the offender is acknowledged in the process and is encouraged to change and be reintegrated into the community.

Murri Court stakeholders said that the Murri Court is not lenient in its sentencing practices. The penalties are onerous on the offender as they often involve treatment and close supervision. They disagreed that the Murri Court was a “soft option”. They were of the view that having Indigenous leaders in the court make the offenders aware of the seriousness of the offence, and that the offending impacts on their own community and not just the ‘white system of justice’.

The issue of whether Indigenous courts are lenient in sentencing is canvassed in the literature. Harris notes that there may be a concern in the wider community that Aboriginal courts “represent some form of ‘special treatment’ for Indigenous offenders”¹. Marchetti and Daly also warn of the threat to these initiatives of “the perception that the penalties imposed are more lenient than those in a regular court”. They quote the instigator of circle sentencing, Magistrate Doug Dick, who stated that “the process is punishment, real punishment”². Potas et al found that the presence of Elders or respected persons can shame offenders in a positive and constructive way³.

During the Review, a Magistrate spoke about the power of Indigenous involvement in court:

“...the offender came (into court) with her whole family. Her granny tore strips off (the offender) and really shamed her. The offender, who usually showed no remorse, cried and really looked as if she believed in the court process. I really saw that day, the two systems of law (white and black) coming together.”

One Magistrate who presided over a Murri Court considered that the goal of the Murri Court is to rehabilitate the offender and that more work should be done to make that aspect work. Rehabilitation is not currently reflected in the goals of the Murri Court. Most Magistrates who were interviewed stated that they see the major goal of the Murri Court is to divert Indigenous people from prison.

Community Corrections Officers in Rockhampton have conducted an informal 'exit survey' of offenders sentenced by the Murri Court and have provided the following sample of comments made:

"fairer chance of being understood by Court and Elders"

"opportunity to fix my problems"

"no rush like other courts"

"felt I was fairly dealt with"

"Court had a chance to listen to my side of the story"

Based on the submissions and interviews undertaken as part of the Review, it is recommended that the existing objectives be retained as objectives of the court.

The existing goals are also consistent with the long term aims of the Queensland Aboriginal and Torres Strait Islander Justice Agreement and the Partnership Queensland framework (especially the Crime and Violence Response Plan). This consistency is important and reflects the fact that reducing the overrepresentation of Indigenous offenders in the criminal justice system is a whole-of-Government responsibility and that the Murri Court is just one strategy to deal with the problem.

Outcomes data

A useful mechanism to assess whether the goals of the Murri Court are being met is to compare Murri Court outcomes with outcomes for other Indigenous offenders who plead guilty and are sentenced in mainstream Magistrates Courts. Such a comparison would need to recognise that offenders appearing in the Murri Court are considered at risk of receiving a sentence of imprisonment (given their offending histories and/or current offences) so the comparison group should include similarly at-risk Indigenous offenders sentenced in the mainstream Magistrates Court. At the time the Review was undertaken, no such comparative data existed.

The Review identified and accessed several sources of Murri Court outcome data including:

- data generated by the Queensland Wide Interlinked Courts (QWIC) courts information system;
- data manually collected by Magistrate Annette Hennessy of the Rockhampton Magistrates Court;
- data from the Department of Corrective Services on community based orders made by the Brisbane Adult Murri Court collected by Ms Norleen Meeks, the Brisbane Community Corrections Officer; and
- data for the Mount Isa Murri Court collected manually from court records by Mount Isa court staff on behalf of QWIC Operations.

Objective 1 – Diverting offenders from prison

Despite the lack of comparative data on outcome results, there are indications that the Murri Court is having success in regard to its objective of diverting offenders from prison. Anecdotal evidence provided by Magistrates is that many of the offenders appearing in Murri Court would otherwise have received prison sentences. Prior to

the offender appearing for sentencing in the Murri Court, Magistrates will have assessed them as being at risk of receiving a prison sentence and will have requested a pre-sentence report on the offender.

Of the 180 offenders sentenced in 2004 and 2005 in the Brisbane Adult Murri Court, 71 offenders (39%) were sentenced to imprisonment (excluding wholly suspended prison sentences). In the Brisbane Youth Murri Court, of the 52 offenders sentenced between March 2004 and November 2005, no more than five offenders received a detention order⁴.

Only 9 offenders were imprisoned by the Rockhampton Murri Court, of the total of 71 offenders sentenced (13% of offenders sentenced) (excluding wholly suspended prison sentences) (period June 2003 to April 2006). Only two (10%) of the 20 offenders sentenced by the Rockhampton Youth Murri Court received a detention order (period October 2004 to March 2006).

Only two of the 49 offenders who have appeared in the Mount Isa Murri Court received a prison sentence (excluding wholly suspended sentences) (period February 2004 to May 2005, and December 2005).

Objective 2 – Improving attendance rates in court

In regard to the second objective of improving attendance rates of Indigenous defendants in court, there are limited reliable data which would indicate whether Indigenous offenders are less likely to fail to attend Murri Court than the mainstream court.

The Review team observed that the Murri Court tends to exercise some flexibility in regard to offenders who do not appear in court. In addition, Murri Court Magistrates reported that attendance rates for Indigenous defendants are higher in the Murri Court than the Magistrates Court. For example, Magistrate Hennessy stated that she issues far fewer warrants for Indigenous defendants failing to appear at the Rockhampton Murri Court than for the Magistrates Court. However, it was not possible to confirm or rebut this from court data.

Data collected by Children's Court staff for 'fail to appear' in the Brisbane Youth Murri Court show that between 3 and 5 children failed to appear in court, compared to the 52 who appeared and were sentenced (May 2004 - December 2005). No data are available which allow comparison with the rate of failure to appear by Indigenous juveniles in the Children's Court.

Objective 3 – Decreasing the re-offending rate

Very limited data were available in regard to the third objective of decreasing the re-offending rate and number of court orders breached by Indigenous offenders. Further, the Murri Court has been in operation for no more than four years in any location, with small numbers of offenders appearing, so any recidivism rates and order breach rates calculated at this stage are not reliable. As noted earlier, no comparison is currently possible with the outcomes from the mainstream Magistrates Court.

Additional objective for the Murri Court

Many Murri Court stakeholders advised the Review that the Murri Court is seen by local Indigenous communities as a mechanism for increased participation and ownership by the Indigenous community in the legal system. In particular, Elders consulted during the Review spoke of the increased trust and confidence they have developed in the justice system through their work on the Murri Court. They also

spoke of their appreciation in being acknowledged by the courts as collaborators in solving Indigenous justice issues.

For example, Magistrate Hennessy reported that the Fitzroy Basin Elders Committee and Justice Panel feel more accepted by the Court staff as a result of their regular work at the courthouse. Magistrate Hennessy advised that the Elders and respected persons are greeted and attended to with care and generally accepted as a part of the justice team.

The Elders and respected persons who sit on the Murri Court also stated that the Murri Court assists in restoring the respect and standing of Elders by including them in the judicial system.

One respondent to the Review stated that:

“The Murri Court is a step towards educating the non-Indigenous community about the realities of life as an Aboriginal person. It also works towards strengthening the relationship between Indigenous people and the judicial system.”

Another respondent wrote:

“The Murri Court seems to provide a positive step in the reconciliation process in that it offers opportunities for Indigenous people to work together in the court framework.”

In consultation, Brisbane Elders who advise the Brisbane Murri Court Magistrates said that:

“The Murri Court has brought us (the justice system and Indigenous people) together. The Courts have been accepting of us. It is the first time this has been done, (that) we’re included in the justice system.”

“The Murri Court is about (the offenders) getting a fair chance. I am proud of the Murri Court, and of the other Elders.”

Harris (2006) also found in his evaluation of the Koori Courts that an outcome of the Koori Court was an *“increased level of Koori participation in, and ownership of, administration of the law.”*⁵

The Review recommends that an additional goal of the Murri Court be added to reflect the aim of community building and collaboration.

Recommendation 1

It is recommended that the existing objectives of the Murri Court be retained:

- to reduce the over-representation of Indigenous offenders in prison and juvenile detention;
- to reduce the rates of failure to appear at court; and
- to decrease the re-offending rate and number of court orders breached by Indigenous offenders.

It is recommended that the following objective be added:

- to strengthen the partnership between the Magistrates Court and Indigenous communities to deal with Indigenous justice issues.

Outcome update

The Queensland Government supports the additional objective of the Murri Court.

Need for a Murri Court database

As indicated above, there are currently limited data collected on the operation of the Murri Court. Although some data are collected manually and some are available from the QWIC information system, this is insufficient for operational, evaluation and research purposes. An information system and database needs to be developed to facilitate the monitoring and evaluation of the performance of the Murri Court that sits throughout Queensland. Other departmental databases, such as the Drug Court data base, may provide a useful model.

It is recommended that consultation with other agencies with an Indigenous criminal justice research agenda (such as DATSIP, the Department of the Premier and Cabinet, the Office of Economic and Statistical Research and relevant Universities) should be undertaken in developing the database to ensure that the resulting collected data will meet future research and evaluation needs.

Data should be collected from each Murri Court and from 'control groups' at Magistrate Courts, to allow comparison of throughputs and outcomes, including the:

- (a) number of offenders appearing for sentence;
- (b) types of offences being dealt with;
- (c) number and type of court outcomes – penalty types (including conditions imposed) and warrants issued for non-appearance;
- (d) number and type of community-based orders commenced, breached or completed;
- (e) audit of diversionary/treatment programs at each location;
- (f) number of referrals to programs and type of program;
- (g) number of offenders undertaking/completing programs and type of program;
- (h) number of offenders re-appearing at court for new offences (within two years from the date of the first offence) and type of sentence imposed; and
- (i) number of Elders and respected persons participating in the Murri Court.

Recommendation 2

It is recommended that:

- JAG develop and implement an information system/database to collect the data required to monitor and evaluate the performance of the Murri Court;
- the information system/database is developed in consultation with Queensland Government agencies that have an Indigenous criminal justice research agenda; and
- court staff are trained and provided with adequate supervision on inputting data and operating the information system/database.

Outcome update

In the 2006-07 Budget, the Queensland Government provided \$60,000 to develop an information system/database to collect data on the operation of the Murri Court.

Independent evaluation

Goals of the Murri Court

With the limitations of court information systems, Murri Court outcomes data and the fact that the Murri Court in most locations has been in operation for a short time, the Review was not able to determine whether the Murri Court is meeting its goals. An independent evaluation of the Murri Court operations and outcomes should be undertaken following 18 months of data collection.

The proposed evaluation should include a quantitative analysis to determine whether the court is achieving its goals of reducing over-representation and recidivism and improving appearance rates at court. It is proposed that data would be collected over an 18 month period to allow for the development of a sufficient study size, completion of community based orders and to assess recidivism rates of offenders. The evaluation would also need to incorporate comparison groups.

Planning for the evaluation and the development of the Murri Court data base should occur simultaneously so that the independent evaluator has appropriate data available to complete the evaluation.

The following performance information about offenders sentenced in the Murri Court should inform the evaluation:

- (a) number of Indigenous offenders being imprisoned for offences and a comparison with general Magistrates and Childrens Courts;
- (b) recidivism rates for Indigenous offenders appearing in the Murri Court and a comparison with general Magistrates and Childrens Courts;
- (c) failure to appear rates of offenders appearing in the Murri Court and a comparison with general Magistrate Courts;
- (d) proportion of offenders sentenced in the Murri Court completing community based orders and programs and their level of satisfaction with the programs;
- (e) number and outcomes of prosecutorial appeals against sentences of the Murri Court;
- (f) level of commitment and satisfaction of the Elders and respected persons to the Murri Court; and
- (g) level of satisfaction of Indigenous offenders with the Murri Court processes.

The evaluation would inform the Queensland Government as to whether the current Murri Court initiative is meeting its objectives and whether it is assisting the Government in meeting the Justice Agreement long term aim of reducing the rate of Aboriginal and Torres Strait Islander peoples coming into contact with the Queensland criminal justice system.

Potas et al are of the view that reducing recidivism amongst Aboriginal people is *“likely to be seen as the real test of Indigenous courts, although this should not be the only criterion of success or failure”*⁶.

Cost and Efficiencies of the Murri Court

Anecdotal evidence from Murri Court Magistrates suggests that many of the offenders appearing in the Murri Court would otherwise have received prison sentences. Although on a limited scale, an assumption can be made from the above data that by placing offenders on community based orders, the Murri Court reduces

the cost of imprisoning offenders. There are no reliable data on cost efficiencies flowing from this.

The Review has also not been able to calculate the cost of the operation of the Murri Court. The Murri Court process is considerably more time consuming than a mainstream Magistrates Court sentencing process. In addition, there are no data as to the cost of Murri Court referred offenders participating in diversionary programs.

The evaluation should determine the cost of the Murri Court, including the efficiencies gained from the likely reduced imprisonment of offenders.

Costs of other Murri Court participants

During the Review, police prosecutions staff reported that the Murri Court makes a greater demand on their time, involving both increased preparatory work and more time in court per matter. In Rockhampton, the prosecutor estimated that about 6 hours is committed to each sitting.

Community Corrections staff are also assigned to the Murri Court on a part-time basis. In Brisbane, the court support officer estimates that about two days per week are largely devoted to Murri Court work. Two Community Corrections officers are assigned to the Rockhampton Murri Court. They estimate that Murri Court work currently involves the equivalent of one half of a full-time equivalent position.

Department of Communities staff reported that the Townsville Youth Murri Court is making additional demands on the time and resources of the local Youth Justice Services, approximately in proportion to the frequency of sittings in each location.

During the short consultation process, it was not possible to comprehensively assess the resources that Departments and agencies use in servicing the Murri Court. The evaluation should determine the costs, savings and efficiencies incurred and gained by all agencies that participate in the Murri Court.

Recommendation 3

It is recommended that:

- an independent qualitative and quantitative evaluation of the Murri Court take place to determine if the Murri Court is meeting its goals;
- the independent evaluation of the Murri Court include an assessment of the cost and efficiencies of the Murri Court, including staff time and resources expended by Queensland Government agencies in supporting the Murri Court; and
- planning for the evaluation and the development of the Murri Court database (as referred to in recommendation 2) occur simultaneously so that the independent evaluator has appropriate data available to complete the evaluation.

Outcome update

In the 2006-07 Budget, the Queensland Government provided \$100K for an independent evaluation of the Murri Court to be undertaken. The evaluation will take place over two years commencing 1 January 2007 and the results of the evaluation are to be reported in the 2009-10 Budget.

¹ Harris (2004) p 36

² Marchetti and Daly (2004) p 5

³ Potas et al (2003) p 52

⁴ Brisbane Youth Murri Court outcomes were counted on a per charge basis not per individual child, so the exact number of individuals sentenced to detention is not available from the outcomes data.

⁵ Harris (2004) p 8

⁶ Potas et al (2003) p 52

CHAPTER FOUR: IS THE COURT ADEQUATELY RESOURCED?

To date, the Murri Court has been resourced within the existing Magistrates Court budget. The Murri Court relies heavily on the assistance provided by Elders and community justice group members on a voluntary basis and the cooperation of several Government agencies and legal services to support the initiative.

The level and nature of resources for the Murri Court was a topic frequently raised during the Review consultations. There was concern that the continuing commitment and goodwill of Magistrates, Elders and other stakeholders, which is critical to the functioning of the Murri Court, may not be sustainable without specific Murri Court funding.

The Review found that additional resources would support the Murri Court. The additional resources would improve the operation of the Murri Court and alleviate stresses on the court system and stakeholders. The following paragraphs in this chapter set out the additional resources that would help to ensure the Murri Court continues to operate in its current locations.

Funding update

The Queensland Government has taken immediate action to provide funding over three years to the Murri Court as part of the 2006-07 Budget. This funding will commence from January 2007. This action demonstrates JAG's and the Queensland Government's commitment to improving justice services to Aboriginal and Torres Strait Islander people.

The appointment of staff to support the Murri Court Magistrate and Murri Court participants

Each Magistrate who has established and operates a Murri Court spends a considerable amount of work maintaining and building relationships with the Murri Court stakeholders and also training them in court processes. In some Murri Courts, the Magistrate also selects candidates for the Murri Court and seeks to find suitable local diversionary programs that the offenders can attend.

Many Murri Court participants from both JAG and other agencies who were interviewed as part of the Review, expressed concern at the amount of work they were required to do to maintain the court that was not within their core work duties.

New South Wales, the Australian Capital Territory, South Australia and Victoria appoint court liaison officers to support their Indigenous courts and to manage and co-ordinate the work that is performed by officers across government and non-government organisations to conduct the Indigenous court.

It is proposed that a Murri Court liaison officer be appointed for each Murri Court location in Queensland. It is envisaged that the broad role of the court liaison officer is to support the Magistrate to oversee the day-to-day operations of the local Murri Court and to liaise with and support all stakeholders and participants of the Murri Court to ensure its effectiveness. The court liaison officer would:

- (a) assist the Magistrate in managing the local Murri Court;
- (b) develop and maintain a pool of Elders and respected persons to assist the Murri Court and prepare the monthly roster for Elders to sit on the Murri Court

taking into account which Elders are appropriate to fit the cultural affiliations of the offender;

- (c) arrange payment of the out of pocket allowance to the Elders;
- (d) call stakeholder meetings as requested by the Magistrate;
- (e) liaise with the community justice group and others to ensure that any ordered pre-sentence reports have been prepared;
- (f) liaise with diversionary program providers on behalf of the Magistrate to ensure the programs are appropriate to be used as part of a court order;
- (g) provide the offender and the offender's family with information to assist in their understanding of the court process;
- (h) develop links between the local Murri Court stakeholders and assist in building and maintaining community capacity to ensure the effective delivery of the local Murri Court;
- (i) provide on-going training to the participants of the local Murri Court;
- (j) arrange site visits for the community justice group and Elders to prisons and diversionary programs;
- (k) support the local community justice group/s, Elders and respected persons in relation to the Murri Court and other court processes and involvement;
- (l) ensure that Elders have transport to attend the Murri Court and training;
- (m) assist in briefing the Elders on the charges against the offender and any background information which may be required;
- (n) undertake community awareness and education on Murri Court issues; and
- (o) facilitate the transport of Elders to and from the Murri Court.

It is also recommended that JAG appoint a Statewide Murri Court co-ordinator to assist the Chief Magistrate to manage and co-ordinate the Murri Court that operates throughout Queensland. This officer would ensure that there is consistency in the operation of the Murri Court throughout Queensland, assist the court liaison officers to develop suitable training packages, provide advice to senior management, both within JAG and other departments and act as the point of contact between the Department and the Magistracy on issues relating to the Murri Court.

Specifically, this officer would have the following roles:

- (a) assist the Chief Magistrate to oversee the operation and support of the Murri Court;
- (b) assist the Magistracy in developing procedures for the operation of each Murri Court;
- (c) facilitate the on-going training of the community justice groups and Elders, and relevant government departments and police for participation in the Murri Court;
- (d) facilitate the identification and development of court specific and culturally appropriate government and non government diversionary programs (dependent on further funding for such programs);
- (e) facilitate ongoing cross-cultural training for all Magistrates who preside over the Murri Court or who regularly sentence Indigenous offenders;

- (f) co-ordinate the holding of a biennial conference for Magistrates, community justice groups and Elders (who assist the Murri Court) on Aboriginal and Torres Strait Islander justice issues;
- (g) develop data collection systems and ensure that data is collected at all Murri Court sites; and
- (h) provide leadership and supervision for the court liaison officers based in each Murri Court location.

Recommendation 4

It is recommended that JAG:

- appoint a Murri Court liaison officer in each location where a Murri Court sits; and
- appoint a State-wide Murri Court co-ordinator to assist the Chief Magistrate to manage and co-ordinate the Murri Court that operates throughout Queensland.

Outcome update

In the 2006-07 Budget, the Queensland Government funded seven new positions over three years to support the Murri Court – one State-wide co-ordinator and 6 Court liaison officer positions.

Court free days for Murri Court Magistrates

As set out in Chapter 3, the Murri Court judicial workload is time intensive. This may result in backlogs in dealing with other general matters. This situation needs to be addressed, as all defendants have the right to quick and effective resolution of their matters. In addition, the Murri Court Magistrates need time to build community capacity so that the Murri Court can be effectively maintained (such as holding meetings with stakeholders, including Elder groups, community corrections, youth justice workers and the community justice groups).

It is recommended that, at the discretion of the Chief Magistrate, a relieving Magistrate be appointed to replace a Murri Court Magistrate. This relieving Magistrate would hear all general matters for that time so that the Murri Court Magistrate could focus on the Murri Court and engage with the Indigenous community and stakeholders.

Recommendation 5

It is recommended that, at the direction of the Chief Magistrate, the Murri Court Magistrates be relieved of their usual court duties as required to build relationships to maintain their local Murri Court.

Outcome update

In the 2006-07 Budget, the Queensland Government provided additional funds over three years for Magistrate relief throughout Queensland that can be used at the discretion of the Chief Magistrate.

Support for Elders and community justice groups so that they can better undertake their role

During the Review, most stakeholders recognised the crucial role that Elders and community justice groups perform in supporting the Murri Court. This support is seen as essential to the success of the Murri Court.

Workload demands

Concerns about the demands that supporting the Murri Court make on Elders were raised by many stakeholders interviewed by the Review team.

Elders and community justice group members are putting in many hours of service on a voluntary basis. For example, Magistrate Hennessy at Rockhampton advised that up to five offenders appear at each sitting of the Adult Murri Court and the work involved for Community Justice Panel members averages about six to seven hours per offender. Only six Elders assist the Murri Court.

Specific workload concerns raised included the capacity of Elders to support offenders on probation and the reported increasing workload of assisting with justice conferencing or mediation. Stakeholders pointed out that Elders have other demands on them such as family responsibilities and other community interests. Magistrates are aware of this issue and attempt to moderate Murri Court workload demands.

Some stakeholders saw a need to review the role and functions of community justice groups which were seen as “trying to be all things to all people”.

Payment to Elders

The issue of financial re-imburement for Elders who support the Murri Court was raised by many respondents to the Review. There was considerable support for the payment of either expenses or sitting fees.

In October 2005, JAG decided that two Elders who sit on an established Murri Court should receive an ‘out-of-pocket’ expenses allowance of \$36.40 to assist in covering the Elder’s ‘out-of-pocket’ expenses, including meals and travel.

Respondents who made written submissions to the Review stated that Elders and respected persons should receive financial remuneration for their Murri Court work, particularly since their role was so integral to the success of the court. These respondents did not quantify the amount of remuneration that should be provided.

The majority of Elders currently supporting the Murri Court across the State were generally of the view that while they did not perform the role for the purpose of receiving money but to assist their people, they would appreciate receiving money to cover expenses they incur. These respondents thought \$36.40 was sufficient to cover lunch and public transport costs. However, if the Murri Court sits late or the Murri Court sits in a regional area, Elders reported they are not able to meet their transport costs from the allowance and appreciated the full coverage of these expenses.

However a minority of Elders who support the Murri Court are of the view the current allowance is insufficient. They believe they should be compensated for the work that they perform. Most Elders and community justice groups who advocated a sitting fee, considered \$100 per day to be adequate. This equates with the current daily allowance paid to jurors.

Most Murri Court participants thought that Elders should be paid to reasonably cover their costs in attending court, including meal and travel costs. Some of these

participants also commented that payment to Elders assists in sustaining a large pool of Elders to assist the Murri Court.

One respondent stated:

“The Elders and respected persons need to be compensated for their time and expense. At the moment they are continually out of pocket and are also suffering from many and varied health issues. The Elders are constantly being asked to give up their time and knowledge and it is time we stopped expecting them to do it all for free.”

Taking into account all the consultation received, it is recommended that an expenses allowance of \$36.50 per day be paid to each Elder or respected person who sits on the Murri Court. In addition, it is recommended that Elders’ transport costs to and from court are also met by JAG (see recommendation 7).

In consulting with the Magistrates who conduct the Murri Court, it has become apparent that the current Murri Courts have varying numbers of Elders present at court. In Brisbane, two Elders usually sit on the adult Murri Court and two Elders sit in the Youth Murri Court. In the Rockhampton Murri Court, up to six Elders attend court and in Mount Isa and Townsville, four Elders attend court. This ensures that an Elder is able to be excused and be replaced by another Elder, for example, if there is a conflict of interest due to the Elder having a close family relationship to the defendant.

The Review considers that JAG’s current funding for the number of Elders to assist Murri Court on sitting days needs to accommodate the varying levels of participation of Elders and respected persons in different Murri Courts. Taking into account the various approaches, the Review recommends that up to four Elders or respected persons be paid the expense allowance.

Recommendation 6

It is recommended that a daily expense allowance is paid to each Elder and/or respected person (up to four Elders per day) who advises the Murri Court.

Outcome update

In the 2006-07 Budget, the Queensland Government provided funding over three years for an expense allowance of \$36.50 per day for each Elder or respected person who advises the Murri Court Magistrate on Murri Court sitting days.

The need for better transport for Elders and respected persons

During consultation, Elders and the community justice group co-ordinators consistently raised issues with the difficulty in transporting Elders to the Murri Court, to associated meetings, to meeting offenders on probation and to undertake prison visits to support incarcerated offenders. Very few Elders (who are generally elderly and sometimes frail) own or have access to a car. Further, outside Brisbane, there is limited public transport. Elders rely on the goodwill of their relatives and friends for transport. The Elders consulted found the current transport situation difficult and stressful and they would like to have reliable transport for court associated business.

Part of the Murri Court liaison officer’s role is to engage with the Indigenous community and to assist the government and non-government service providers to develop local diversionary programs suitable for court referrals. Such work requires

the officer to travel, sometimes large distances in regional locations to visit service providers and community leaders.

To provide for both of the above purposes, it is recommended that JAG arrange and fund suitable transport for Elders and respected persons to attend the Murri Court and also to facilitate the court liaison officer's work to engage with the Indigenous community and diversionary service providers.

Recommendation 7

It is recommended that JAG arrange transport:

- for Elders and respected persons to attend the Murri Court; and
- to facilitate the court liaison officer's work to engage with the Indigenous community and rehabilitative service providers.

Outcome Update

In the 2006-07 Budget, the Queensland Government funded the lease of vehicles and/or provision of taxi vouchers to transport Elders to and from the Murri Court on sitting days and for other associated Murri Court business.

Negotiated time off to support the Murri Court

Elders, respected persons and community justice group members often work for the Queensland Government in employment not related to the Murri Court. When they perform their Murri Court related work, they have to access some form of leave to attend the Murri Court.

Some members of the community justice panel at Rockhampton advised they were able to successfully negotiate with their employer to attend the Murri Court on sitting days as part of their core work duties. However, others had to take leave or banked time for this purpose. Many found that this limited the time they could devote to assisting the panel and the Court.

In Townsville, Coordinating Magistrate Glasgow has negotiated with the State and Federal Government agencies which currently employ community justice group members, three to four days special leave per year in order that they may support the Murri Court.

Inherent in JAG's Indigenous Justice Strategy is the need for the Queensland Government to work collaboratively with Indigenous leaders, Elders and respected persons. A tangible reflection of that commitment is appropriate support and recognition of Aboriginal and Torres Strait Islander Queensland Government workers who dedicate time to participate in the Murri Court process.

Recommendation 8

It is recommended that JAG partner with the Department of Employment and Industrial Relations to explore the possibility of developing a whole-of-Government policy to allow Aboriginal and Torres Strait Islander State public sector workers to take paid special leave for the hours they spend supporting the Murri Court. This policy would only apply to those workers whose general duties did not include supporting the Murri Court.

Outcome Update

JAG and the Department of Employment and Industrial Relations agreed to explore the possibility of amending the Special Leave directive (1/05) for this purpose.

Meeting room at court for Elders and respected persons

Elders expressed a desire to have access to a room at the Brisbane Magistrates Court on Murri Court days, to allow them to meet prior to court, read documentation on court matters, have lunch or wait for court to commence.

The Elders in Mount Isa and Rockhampton have access to the District Court jury room to view files. They can meet with the offenders prior to the Murri Court to prepare a pre-conference report in a court meeting room.

Magistrate Glasgow in Townsville is keen for Elders to have access to a room, but at the time of the consultation the courthouse had insufficient space. The Murri Court itself is held in a District Court room with the consent of the Judge, due to there being no available Magistrates Court room. This arrangement is contingent on the scheduling of District Court matters.

To date, there is no allocated space for the Caboolture Elders to meet and to rest during court day. Magistrate Allingham would like to make a space available for the Elders.

In the Brisbane Youth Murri Court, the Elders and respected persons view the child's file in Magistrate Pascoe's chambers and are also offered morning tea in chambers.

Recommendation 9

It is recommended that the Court Registrar in each Murri Court location arrange for the Elders, respected persons and community justice group members who support the Murri Court to have access to a room in the Magistrates Court on Murri Court sitting days, where they can meet prior to court, read documentation on court matters, and have lunch.

Outcome Update

The JAG Court Administrator agreed to ensure that a room in each Magistrates Courthouse (where the Murri Court currently sits) is to be made available for Elders, respected persons and community justice group members to use on Murri Court sitting days.

Training and education of Elders and community justice group members

The Review was informed by the Murri Court Magistrates that Elders and respected persons who have agreed to sit on the Murri Court are usually provided with basic induction training. Induction of Elders for the Brisbane and Caboolture Murri Court is arranged by the Deputy Chief Magistrate and involves the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) and JAG. The Coordinator of the Community Justice Panel in Rockhampton has developed a training course for Elders, assisted by the Department of Corrective Services and funding from DATSIP, which is well regarded by participants.

The Elders on the Mount Isa Murri Court have received training on a “needs basis” from Magistrate Manthey. Elders from Mount Isa expressed a desire for more general training about court processes and procedures and sentencing options.

Many of the stakeholders consulted referred to the critical importance of providing Elders and community justice groups with adequate preparation for their role in the Murri Court. Comments included that JAG should provide additional training in:

- the legal system, including Magistrates and Children’s Court processes and the roles of the participants, sentencing principles and options (and the implications);
- relevant Department of Corrective Services and Department of Communities programs;
- available support services and programs for offenders (such as alcohol treatment);
- writing pre-sentence court reports; and
- the importance of keeping information about offenders confidential.

The Review found that Elders and respected persons can only fully participate in the Murri Court if they have a good understanding of justice and juvenile justice processes, including bail applications, adjournments, the sentencing process and juvenile diversionary sentencing options. Training on these areas should be provided in plain English and on an incremental, continuing basis, to allow Elders or respected persons to build up their knowledge and allow for people newly joining the initiative. Liaison with the Department of Communities should occur in developing the training on juvenile justice law.

The training should also involve prison and detention site visits so that the Elders have a direct knowledge of the sentence options available in their area. Given that Elders may make suggestions to Magistrates about appropriate penalties and programs, it is important that Elders understand the measures available and how they operate. This also applies to imprisonment. In remote areas, such as Mount Isa, most Elders have not visited a prison, yet they may be advising the Magistrate that an offender should be incarcerated, taking into account the seriousness of the crimes committed.

Recommendation 10

It is recommended that JAG provide community justice groups, Elders and respected persons who support the Murri Court with ongoing training in Magistrates Court and Children's Court processes and sentencing options.

Outcome Update

In the 2006-07 Budget, the Queensland Government funded \$245,000 over three years to be used to:

- train community justice groups, Elders and respected persons so they are better equipped to assist the Murri Court; and
- provide greater community awareness and understanding of the Murri Court.

Training and education of other Murri Court stakeholders and participants

Many stakeholders consulted during the Review also saw the need to provide relevant training and education to all Murri Court participants such as Magistrates, lawyers, police, corrections officers and service providers.

Magistrates and Elders advised that each group has learnt much from the other during the process of developing and running the Murri Court initiative. Elders have developed an improved knowledge of the legal system and diversionary services, and Magistrates have developed their cultural awareness and knowledge of the experiences of Indigenous people. Both groups saw the need to develop and formalise the learning process and expand it to include other participants.

A group of Magistrates made a submission to the Review proposing a biennial Magistrates conference on Aboriginal and Torres Strait Islander criminal justice issues. In addition, throughout consultation, the Murri Court Magistrates commented they would like an opportunity to discuss the varying practices and procedures of the Murri Court in different locations and to identify common problems and solutions. Some community justice and Elder groups commented that they would welcome an intensive period with Magistrates to advise on cross-cultural issues.

Based on the results of consultation, it is recommended that a biennial Indigenous criminal justice conference be held involving the Chief Magistrate, Murri Court Magistrates, other Magistrates who regularly sentence Indigenous offenders, Elders who sit on the Murri Court, community justice group members, the court liaison officers who support the Murri Court and other relevant officers.

Recommendation 11

It is recommended that JAG provide training for Murri Court stakeholders including:

- a biennial Magistrates Conference to discuss Aboriginal and Torres Strait Islander criminal justice and juvenile justice issues; and
- training in court processes and cultural awareness for all stakeholders in the Murri Court, including the police, corrections officers, government and non-government service providers.

Outcome Update

In the 2006-07 Budget the Queensland Government has funded:

- a Murri Court conference to be held for the Chief Magistrate, Murri Court Magistrates, Murri Court staff, community justice group members, Elders and respected persons to attend; and
- training in court processes and cultural awareness for all Murri Court stakeholders.

Rehabilitative/diversionary programs and services for offenders

It is acknowledged that many of the offenders appearing in the Murri Court have extensive offending histories, often linked with dysfunctional lifestyles involving alcohol, drug or other substance abuse. The Murri Court attempts to address the underlying causes of offending behaviour by referring the defendant to suitable rehabilitative programs such as drug and alcohol, anger management, cognitive skills, education, cultural integration, driving licence courses, counselling, domestic violence perpetrator courses and pre-employment skills. The programs are offered by both government and non-government agencies.

These programs are court ordered but are not customised to meet the court outcome of rehabilitation, reducing or stopping offending, and preventing incarceration.

Consultation with health service providers, such as alcohol and drug treatment units, advised that relatively small numbers of Aboriginal and Torres Strait Islander 'criminal justice' clients are accessing their services. Health service managers noted that there is a tension between the respective philosophies of the health sector and the justice sector. Health services generally take a 'harm minimisation' approach and recognise that in their efforts to overcome substance abuse problems clients will experience setbacks. In contrast, the justice system expects strict compliance with court orders and is mandated to punish transgressions.

Drug treatment service managers noted that Indigenous offenders face difficulties accessing those services. Offenders face barriers to access such as a transitory lifestyle, limited literacy, offending histories involving violence, and cultural issues such as inappropriate programs and a lack of Indigenous program staff. Offenders are often not as motivated as voluntary clients to change their habits, and may resist acknowledging that they have a substance abuse problem.

One health service manager suggested that services need a different treatment model for clients from the court. Staff need skills to engage with offenders and establish an environment where offenders are encouraged to acknowledge their addiction problems.

According to Community Corrections officers who participated in the Review, most Indigenous offenders would benefit from attending Indigenous specific services so they can get support from their community. However, across the State, there are a limited number of Indigenous specific services with culturally appropriate programs and Indigenous staff. This is particularly the case in Mount Isa and Townsville. To access suitable programs in those regions, clients have to travel to locations such as Mareeba and Yarrabah where they have no family or community support.

The Queensland Magistrates' Indigenous Issues Committee states in their submission to the Review that the ongoing funding of community based Indigenous specific programs is essential for the proper rehabilitation of offenders within the community to maintain long term reduction in recidivism rates.

Magistrates who conduct the Murri Court throughout Queensland have raised concerns about deficiencies in the range of rehabilitative services which are appropriate for referrals. The Magistrates of the Youth Murri Court particularly were concerned by the lack of appropriate diversionary programs for young offenders.

Taking into account many respondents' views that Indigenous specific programs are essential to engage Indigenous offenders, the Review recommends that the Queensland Government undertake further research into examining the rehabilitative needs of Indigenous offenders as part of the Indigenous criminal justice research agenda.

In addition, the Review notes the expertise of other departments is essential in developing suitable diversionary programs. Often an offender has problems that warrant intervention from several therapeutic disciplines. This means that service delivery in the Murri Court needs to be supported by several Government departments providing therapeutic court based programs.

This is a complex task that requires leadership at the highest level. The Review recommends that the Chief Executive Officer Committee on Law and Justice consider undertaking a two year project to identify and develop a proposal for a range of diversionary programs to meet Indigenous justice outcomes.

Recommendation 12

It is recommended that the Chief Executive Officer Committee on Law and Justice consider undertaking a two year project to:

- undertake research into examining the rehabilitative needs of Indigenous offenders as part of the Indigenous Criminal Justice Research Agenda; and
- identify and develop a proposal for a range of diversionary programs to meet Indigenous justice outcomes.

Outcome Update

The Chief Executive of the Department of Justice and Attorney-General requested the CEO Committee on Law and Justice place this project on the Indigenous Criminal Justice Research Agenda.

Resources for legal representation in the Murri Court

During the consultation period, the Review team consulted with both the Aboriginal and Torres Strait Islanders Corporation (QEA Legal Service) for Legal Services and the Aboriginal and Torres Strait Islander Legal Service (North Queensland) (NQ Legal Service). Together, these two services provide the majority of legal representation for defendants who appear before the Murri Court throughout Queensland.

QEA Legal Service advised that the Murri Court work places additional pressure on the service and submitted they would like to employ a lawyer to specifically work on the Murri Court where it sits in southern Queensland.

The Review notes that the Indigenous Legal Services' committed involvement in the Murri Court is essential for the success of the Murri Court. The Review notes that the Murri Court places increased time demands on already stretched resources of the Indigenous legal services. The Review also notes that Indigenous legal services are funded by the Commonwealth Government.

Recommendation 13

It is recommended that the Queensland Government make submissions to the Commonwealth Government for increased funding for Indigenous legal services so that they can continue to provide a high quality service to their clients in the Murri Court.

Outcome Update

The Queensland Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland will write to the Commonwealth Attorney-General about the need for increased funding for Indigenous legal services to support the Murri Court and its clients.

CHAPTER FIVE: SUGGESTED CHANGES TO IMPROVE THE MURRI COURT

A legislative base for the Murri Court

The Murri Court is not specifically established in legislation. However, section 9(2)(o) of the PSA and section 150(1)(g) of the *Juvenile Justice Act 1992* (JJA) provide that community justice groups, Elders or respected persons may make submissions on the sentencing of an Indigenous person who is from their local community. In addition, section 20(1)(g) of the *Children's Court Act 1992* allows for the presence of an Elder/respected person in the Children's Court (which is otherwise a closed court).

Not all people or groups who participated in the consultation addressed the issue of whether the Murri Court should be established in legislation. Of those who made comments, the main theme was that legislation could assist in making the Murri Court a permanent feature of the Magistrates and Childrens Court and provide consistency in its operation.

Most respondents who supported a legislative base were of the view that the legislation should not be overly prescriptive so that it can respond to the varying needs of the Indigenous communities it serves. It would also ensure that Elders have the same rights, responsibilities and involvement, no matter who is the presiding Magistrate or what their views on the Murri Court.

The Queensland Magistrates' Indigenous Issues Committee stated in their submission that any legislative framework needs to be flexible to allow for the variations that will exist in any community. The Committee also advised that Elders and respected persons who assist the Murri Court should be given indemnity for the statements made or recommendations given in court. The Committee stated that it would be beneficial if an Elder, respected person or a member of the community justice group who delivered a recommendation to a Magistrates Court on a defendant, and who then suffered retribution by a defendant or associate, received the same legislative protection of indemnity as an officer of the Court. The protection is that the offending conduct is an offence.

Two respondents submitted that there should be a legislative right for an Aboriginal or Torres Strait Islander person to have their matter heard in a Murri Court.

Two respondents opposed legislating for the Murri Court. They argued that the authorising laws contained in the PSA and the JJA were sufficient. Any additional legislation would over formalise the Murri Court so that it would be difficult for it to continue to evolve.

In summary, 24 respondents supported a legislative base for the Murri Court and two respondents opposed a legislative base.

Legislation underpins the operation of the New South Wales Circle Sentencing¹ and the Victorian Koori Court². Matters legislated in New South Wales and Victoria include eligibility to appear in the court, sentencing procedure, transfer of matters to the court and appointment of Elders and community members to the Court.

The Review found that a legislative base for various aspects of the Murri Court is needed for the following reasons:

1. To ensure that existing Murri Courts continue to operate

A legislative base is needed to ensure that the existing Murri Courts continue to operate. Without a legislative base, Magistrates can decide to disband the Murri Court at a particular location at any time and revert to a general Magistrates Court.

2. Equality before the law

It is a fundamental principle of criminal law that there is consistency in operation and procedure of courts so that all who appear before the courts are treated equally. Legislating for the fundamental features of the Murri Court would transparently demonstrate that the Murri Court is delivering equivalent, but culturally appropriate, justice as other Magistrates Courts.

3. Flexibility to respond to local issues

Consistency in fundamental features still allows certain aspects of the Murri Court to be determined by the local Magistrate and the Indigenous community. Matters where flexibility should be retained include:

- (a) the number of Elders and respected persons who assist the Magistrate;
- (b) the order of bail based programs prior to the offender being sentenced;
- (c) whether the Elders and respected persons will be involved in supporting the offender on probation; and
- (d) the degree of court formality.

Tomaino states that the features of an Aboriginal Court “*need to be safeguarded and maintained to ensure sustainability over time and consistency across locations*”³. He points to the need for the initiative to have a legislative base, but without “*bureaucratising the Aboriginal Courts in that opportunities for independent action and creative discretion may be reduced*”⁴.

Matters that require consistency

As outlined in the section on features of the Murri Court, there are some variations in the Murri Court model at the local area in which the Murri Court sits. The Review found the following issues need to be consistent across the Murri Court locations:

- Eligibility of offenders to appear in the Murri Court;
- Elders’ and respected persons’ appointment process and criminal history checking; and
- Confidentiality of information.

Eligibility

The departmental fact sheets issued on the Murri Court state that to be eligible to appear in the Murri Court, the defendant must be an Aboriginal or Torres Strait Islander. Section 9(2)(o) of the PSA underpins eligibility and authority of the community justice groups to make submissions on the sentencing of Aboriginal and Torres Strait Islander offenders.

However, the Rockhampton Murri Court also deals with Australian South Sea Islanders. This reflects the large Australian South Sea Islander population in the Rockhampton area and the fact that there are strong family links between the Aboriginal and Australian South Sea Islander communities. Some members of the Rockhampton justice panel are Australian South Sea Islanders.

The Review acknowledges and respects the inclusion of Australian South Sea Islanders in a culturally appropriate sentencing court. The Review found that eligibility is a defining issue for the court and should be consistent across Queensland.

Appointment process

Some respondents to the Review were concerned about the process by which Elders and respected persons were selected. They expressed the need to ensure that selected Elders were both recognised and respected as Elders by their community.

Currently, there are a number of respected persons supporting the Murri Court in addition to recognised Elders. There was some support from respondents to include people who are not Elders but are respected community members. This creates a larger pool of people for the role and introduces younger people who may be seen by offenders as role models. It was suggested that criteria should be developed for the selection of Elders/respected persons to sit with the Murri Court and that the selection process should be more transparent.

The Review was concerned by the lack of consistency in the appointment of Elders and respected persons to sit on the Murri Court. Based on the results of the consultation, the Review found there is a need to have a consistent and transparent process to select Elders and respected persons to advise the Magistrate on the Murri Court. The fact that JAG is now paying Elders and respected persons a sitting allowance means that JAG should endorse who assists the Murri Court. To ensure that the local Indigenous communities continue to have ownership of the Murri Court, the appointment process should be developed in close consultation with Elders and respected persons who advise the Murri Court and community justice groups.

Criminal history checking

The issue of checking the criminal history of Elders/respected persons was raised by some respondents. Some argued that if an Elder had either committed serious offences or committed offences recently, it would impinge on the respect accorded them by the community and make them an inappropriate appointment for the role in the Murri Court. It was also acknowledged that the presence of a criminal record should not automatically preclude a person from the role, depending on the nature of the offence and the period since the last offence.

To further ensure that the Elders and respected persons are suitable to assist the Murri Court, it is recommended that the appointment process include a criminal history check. The criminal history checking process would only seek to exclude people whose recent criminal history makes them unsuitable to assist the Murri Court. This low threshold screening is recommended as it is acknowledged that Elders and respected persons may have offended in the past but have been able to rehabilitate themselves and be role models for other Indigenous people because they have overcome offending behaviour.

Confidentiality of Information

Police prosecutors and Youth Justice Services' staff voiced concerns to the Review about the risks involved with the disclosure of information about offenders to Elders and community justice groups. This information includes young offender's criminal history and personal information about adult offenders. Information has to be disclosed to allow Elders and respected persons to fully assist the Murri Court Magistrate.

To ensure the proper use of confidential information, it recommended that legislation allow the disclosure of confidential information to Elders, respected persons and the community justice groups for them to fulfil their roles in assisting the Magistrate. Further, a legislative obligation should be placed on the community justice group, Elders and respected persons who are provided with this information to ensure that they keep the information confidential.

In summary, the Review recommends that the following matters are to be included as part of the legislative scheme:

- (a) providing for the Murri Court to be established in both adult criminal Magistrates Court jurisdiction and Children's Court jurisdictions;
- (b) the criteria for offenders to have the matter heard in a Murri Court;
- (c) providing a general appointment process for Elders and respected persons to assist the Magistrate that includes a criminal history check;
- (d) providing for the broad court role of the Elders and respected persons, their indemnity and protection against retribution when participating in the court; and
- (e) facilitating the lawful disclosure of information to the community justice group, Elders and respected persons to perform their Murri Court role and provide for the community justice groups', Elders' and respected persons' obligation to maintain confidentiality of information obtained through court processes.

The Review formulated the components of the above legislative framework after consultation concluded. To ensure that the views of court stakeholders are obtained on the proposed legislation, it is recommended that face-to-face consultation take place on draft legislation in areas where the Murri Court currently sits.

Recommendation 14

It is recommended that :

- a legislative base be developed for aspects of the Murri Court that require certainty and consistency in approach;
- the resulting draft legislation is to be the subject of further face-to-face Indigenous community and Murri Court stakeholder consultation in areas where the Murri Court sits; and
- the draft legislation should allow each Murri Court to retain flexibility to deal with local issues.

Outcome Update

The Queensland Government will examine the benefits of a legislative base after it has considered the results of the Murri Court evaluation. In the interim, the Queensland Government supports:

- amendments to general legislation to ensure that appropriate protection and obligations exist (including the lawful disclosure and use of confidential information) for Elders and representatives of community justice groups who provide submissions to courts, including the Murri Court; and
- implementation of a consistent appointment process for Murri Court Elders and respected persons, incorporating criminal history checks, to be administered by JAG.

Return to Murri Court for breaches of orders and resentencing

The Magistrate Courts' case management system (the QWIC system) does not include a Murri Court identifier for the defendant. The QWIC system generates a number of documents so that court matters proceed in a timely manner and their progress can be monitored by the relevant court registry. The QWIC system is also responsible for generating court documentation for distribution to parties (including the police prosecutor and the Department of Corrective Services) on charges, appearances, offences and sentence orders.

For example, a Murri Court order that includes a community probation order would be sent to Community Corrections so that the offender can be supervised to ensure compliance with the order. However, because there is no Murri Court identifier on the QWIC system, the court order is issued as a Magistrates Court order. Unless the probation officer was in the Murri Court on the day the order was made, the Department of Corrective Services would be unaware that the matter was heard in the Murri Court. If there is a breach of the order, there is no certainty that the appearance relating to the breach would be heard in the Murri Court.

A number of officers from the Department of Corrective Services and the Indigenous Legal Services have raised concerns over this issue. They are of the view that there is great benefit in the offender returning to Murri Court if the order is breached. This would assist in follow up of the offender by the Murri Court. The offender would also be held accountable for the breach by his/her community through reappearing in the Murri Court.

Based on this feedback, it is recommended that the QWIC system be adjusted to provide for the Murri Court to be identified as part of the QWIC system record of the appearance. This should enable matters to be returned to the Murri Court (where practicable) for breaches and resentencing.

Recommendation 15

It is recommended that JAG's Queensland Wide Interlinked Courts (QWIC) system be adjusted to provide for the Murri Court to be identified as part of the record of appearance to facilitate the offender reappearing in the Murri Court on later charges or breaches.

Outcome Update

JAG agreed to adjust the QWIC system to provide for the Murri Court to be identified as part of the record of appearance.

Name of the 'Murri Court'

Stakeholder opinions about the names 'Youth Murri Court' and 'Murri Court' were divided, though few saw the name of the court as a major issue. Aboriginal people associated with the Murri Court at its current locations are generally in favour of the name, as they identify with the name "Murri". A contrary view was expressed that the name did not reflect the diversity of Indigenous peoples in Queensland. In particular, all Torres Strait Islander people consulted did not think the name was appropriate for an Indigenous court established in the Torres Strait Islands

Concerns were expressed at a consultation meeting of Torres Strait Islanders in Townsville that the Murri Court did not seem to be inclusive of Torres Strait Islander people. Townsville has a large population of Torres Strait Islanders. Participants at the meeting were supportive of the concept of an Indigenous court but felt that the name 'Murri Court' was not appropriate for Torres Strait Islanders.

Recommendation 16

It is recommended that:

- the names "Murri Court" and "Youth Murri Court" be retained for the Murri Court on the Queensland mainland; and
- communities served by a Murri Court can suggest an alternative court name to make the court more inclusive of Torres Strait Islanders.

Outcome Update

The Queensland Government supports this recommendation.

Involvement of the victim in the Murri Court process

The Circle Sentencing initiative in New South Wales includes the voluntary involvement of victims in the process. The circle sentencing process provides the victim with the "opportunity to confront the offender" and provides "a visual reminder to the offender of the consequences of their actions". The offender may make an

apology to the victim, demonstrating “*remorse, acceptance of responsibility of the harm caused and the beginning of the process of rehabilitation.*”⁵

Currently, victims may be involved in the Murri Court in Mount Isa and Magistrate Hennessy advised that it was intended that the Rockhampton Murri Court would move in that direction in 2006 with the appointment of a victim support officer.

It is considered that the involvement of victims in the Murri Court is a positive development but there is a need to ensure that victims are adequately informed about the process, make the decision to attend Murri Court voluntarily, and importantly, have access to on-going assistance from an appropriate and skilled ‘support person’ at court or in an associated process such as mediation. There also needs to be a shared understanding by the Murri Court and its participants as to the purpose of involving the victim in the court process.

Recommendation 17

It is recommended that the JAG State-wide Murri Court co-ordinator explore and report to the Queensland Government on options, appropriate mechanisms and support to include victims in the Murri Court process.

Outcome Update

The Murri Court co-ordinator position was filled by JAG in October 2006 and will implement this recommendation.

Future Development of the Murri Court

During consultation, many respondents requested that the Queensland Government consider establishing a Murri Court in their area. The requested locations are set out below:

South East Queensland

Logan and Beaudesert
Toowoomba
Warwick
Murgon/Cherbourg
Redcliffe
Dalby
Beenleigh
Inala
Ipswich
Nanango

South West Queensland

Charleville
St George
Goondiwindi
Roma
Dirranbandi
Cunnamulla

Central Queensland

Gladstone
Mackay

North Queensland

Palm Island
Bowen
Doomadgee
Morningside Island
Normanton

Far North Queensland

Cairns
Atherton
Mareeba
Ravenshoe
Cape York communities
Mapoon
Napranum
Umagico
Injinoo
Bamaga
Coen

Torres Strait Islands

Thursday Island
Badu Island
Yorke Island
Yam Island
Sabai Island

Some respondents were concerned that the Murri Court was only currently operating in Brisbane and large regional centres. Magistrates and other stakeholders in Cairns strongly expressed the view that the concentration of the Murri Court and support services in Southern Queensland is inequitable, especially given the large Indigenous population in the Cape York and Torres Strait communities and the substantial over-representation of Indigenous offenders at the Lotus Glen Correctional Centre and Cleveland Youth Detention Centre.

One respondent thought that the focus on urban and regional areas was a poor use of resources. Other respondents stated that the Murri Court should expand to all areas where there is a large Indigenous population. Another respondent submitted that all Indigenous people should have the option to appear before a Murri Court as every Indigenous person should have access to a culturally appropriate justice system.

It was also highlighted by some respondents that the Murri Court needs to sit more frequently to reduce the amount of time Indigenous offenders are held in custody on remand whilst waiting to appear before the Murri Court.

Some Elders advised the Review that any expansion of the Murri Court must be driven by the Elders or respected persons in the community rather than imposed by government. This community based motivation would assist in sustaining the Murri Court over time. One community justice group advised that any expansion needs to have support of the relevant community justice group and be slowly and carefully planned prior to implementation.

One of the problems of a Murri Court operating in remote areas such as the Torres Strait and the Cape and Gulf communities is how such a court could operate within current Magistrate resources. Often, in remote communities, a Magistrate only visits the communities once per month for all Magistrates and Children's Court matters. It is not practical to suggest that the one day for court proceedings be solely dedicated to the Murri Court.

Whilst there was support for Island courts being set up on several of the Islands in the Torres Strait group, this is not practical due to the lack of dedicated courthouses (outside Thursday Island) with no recording facilities.

Some Magistrate court stakeholders advised that a greater use of video conferencing is necessary to bring these communities to the Magistrate on a more regular basis particularly for routine matters like mentions and adjournments. Videoconferencing also allows the offender to stay in the community and be supported by the Elders and respected persons in the community. It is expensive for offenders on outer Torres Strait Islands to appear on Thursday Island. The only transportation is by boat which can cost up to \$1000 return trip.

The Queensland Magistrates' Indigenous Issues Committee noted that a Murri Court may not always be the appropriate Indigenous justice strategy for an area, particularly if there is not sufficient community commitment to drive the establishment of the court over time. They stress it is important that the local community's wishes and beliefs be taken into account in formalising any Indigenous sentencing initiative.

This view was affirmed by Harris who discusses concerns that the Aboriginal Courts may develop into "*a generic form of Indigenous justice, without reference to the specific needs of particular communities*"⁶. Potas et al also states that the expansion of the circle sentencing initiative must be approached with caution as its future success is dependent on a suitable Aboriginal community as well as a committed Magistrate, prosecutor and legal representative sharing the same aims⁷.

A handful of respondents did not think that the Murri Court should be expanded and that there should be “one justice system for all” and that Indigenous people should not be given “special treatment” or stand outside of the mainstream justice system.

The Review has not made any recommendations as to the future development of the Murri Court. The Review considers the issue of the future development of the Murri Court should occur after the Queensland Government has considered the results of the independent evaluation of existing Murri Courts as recommended in this report.

Recommendation 18

It is recommended that the future development of the Murri Court is considered following the results of the independent evaluation of the Murri Court in 2009-2010.

Outcome Update

As part of the 2006-07 Budget, the Queensland Government has provided \$100,000 for an independent evaluation of the Murri Court to take place and the results to be reported in the 2009-10 Budget.

¹ Part 4 of the *Criminal Procedure Act 1986* (NSW) and section 19 of the *Criminal (Procedure Regulation) 2005* (NSW)

² Sections 4D to 4G and section 17A of the *Magistrates Court Act* (Vic)

³ Tomaino (2004) p 11

⁴ Tomaino (2004) p12

⁵ Potas et al, (2003) p 10

⁶ Harris (2004) p 37

⁷ Potas et al (2003) p 53

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APPENDIX

Organisations that participated in the Review of the Murri Court

AREA	ORGANISATIONS CONSULTED(GOVERNMENT AND NON-GOVERNMENT)
BRISBANE Interviews	Magistracy - Judge Irwin, Magistrates Hine, Sarra, Payne, Fingleton, Pascoe, Smith, Allingham, Kluck
Interviews	Brisbane Community Elders, Dept of Communities – Children’s Court, Youth Murri Court Elders, DATSIP SE Region, Qld Police Service, Qld Police Service – Police Prosecutions, North West Community Health Centre (Qld Health), QEA Aboriginal and Torres Strait Islander Legal Service, Dept of Corrective Services, Biala, Gallang Place, Legal Aid Qld, Inala Community Justice Group
CABOOLTURE Interviews	Magistracy - Magistrate Allingham
	Elders on the Youth Murri Court Panel and Dept of Communities-, Youth Justice
LOGAN AND BEAUDEREST Meeting	Boystown, Police (Logan and Beaudesert), DATSIP, Youth Justice Services, Nutuaa Aboriginal and Torres Strait Islander Corp, Mununjahi Community Justice Group
IPSWICH Meeting	Ipswich Community Justice Group and justice panel with representatives from the court house, local council, Dept of Corrective Services, QEA Aboriginal and Torres Strait Legal Service, Education Queensland, Salvation Army, Queensland Health, Police-Citizens Youth Club. Also attendance were the Ipswich Elders Group (Circle of Elders)
CHERBOURG - Face to Face interviews	Barambah Local Justice Group, Critical Incident Group, Junda Women’s Group
MURGON AND KINGAROY Face to face interviews	Magistracy - Magistrate Daly
Interviews	Court Registrar, Dept of Communities – Youth Justice, Qld Police Service – Public Prosecutions, QEA Aboriginal and Torres Strait Islander Legal Service, Dept of Corrective Services
TOOWOOMBA	Magistracy - Magistrate McIntyre
Meeting	Toowoomba Community Justice Group and justice group including representatives from the QLD Police Service, QEA Aboriginal and Torres Strait Islander Legal Service, Youth Justice Service, Youth Community Learning Centre, RAPT, Dept of Sport and Recreation, Council of Elders also attended

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ROCKHAMPTON Interviews	Magistracy - Magistrates Hennessy and Springer
	Community Justice Panel (includes representatives of Darumbal Youth Service, Department of Corrective Services, Bidjidi Health Service, Department of Child Safety, Anglicare), Milbi Incorporated, Youth Justice Panel, Dept of Corrective Services, QEA Aboriginal and Torres Strait Islander Legal Services, Qld Police Service – Public Prosecutions, DATSIP, Qld Health ATODS, Fitzroy Basin Elders Committee, Dept of Communities – Youth Justice
WOORABINDA Interviews	Woorabinda Council, Woorabinda Community Justice Group, Qld Health, Queensland Police Service, Education Qld, Anglicare, Woorabinda Health Service, Elders and community members, Family Support Service, Blackboy Youth Centre
MOUNT ISA	Magistracy - Magistrate Manthey
Interviews	Mount Isa District Justice Association and Elders, Aboriginal and Torres Strait Islander Community Legal Service (NQ), ATODS, Qld Police Service, Mount Isa Magistrates Court, KASH – Drug and Alcohol Rehabilitation Centre, Dept of Communities – Youth Justice, Dept of Corrective Services, DATSIP
THURSDAY ISLAND Interviews	Thursday Island Council of Elders, Healing Centre and QLD Health, Torres Strait & Northern Peninsular Legal Service, Qld Police Service, Island Coordinating Council, Dept of Corrective Services, Thursday Island Community Justice Group
Interview	Director-General of Dept of Communities, Disability Services and Seniors (and Regional Director), the Director-General of the Dept of Justice and Attorney-General, Dept of Child Safety
CAIRNS Interview	Magistracy - Magistrates Black, Previtera, Lock, Coates and Cull
	Judiciary
Interviews	Mossman Justice Group, Innisfail Justice Group, Family Court Cairns, Douglas House (Aborigines & Islanders Alcohol Relief Service), Apunipima Cape York Health Council, Ozcare, Dept Communities-Youth Justice Services, WuChopperen Health Service, Addiction Help, ATODS (FNQ), Kozan Torres Strait Islander Corporation for Housing, DCS Community Legal Service, Aboriginal and Torres Strait Islander Community Legal Service (NQ), DATSIP FNQ
YARRABAH Interviews	Yarrabah Community Council, Gurriny Yealamucka Health Service, Gindaja Substance Misuse Aboriginal Corporation, ATODS
TOWNSVILLE	Magistracy - Magistrates Glasgow, Tonkin, Hillen, Dwyer, Cull
Interviews	DATSIP, ATSI Health Service, DCS Community Corrections Townsville Area Office, Magani Malu Kes TSI Corp (incl reps from various agencies), Townsville Thuringowa Community Justice Group, Qld Police Service-Prosecution Unit, Dept Communities-Youth Justice Services, ATODS
CONSULT QLD WEBSITE	Interactive Community Planning Pty Ltd, Burdekin TAFE College, worldwide Church of God, Older People Speak Out, Rural Womens Outreach Legal

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SUBMISSIONS	Service, Indigenous Law Program, Griffith University, Legal Aid, Toowoomba Community Justice Group, Warrumay Justice (Hinchinbrook), Fitzroy Basin Elders, Rockhampton Adult Community Justice Panel, Townsville/Thuringowa Community Justice Group, Dalby Magistrates Court, and Sisters Inside.
EMAIL SUBMISSIONS	Youth and Combined Community Action Group, Toowoomba Youth Service, Weipa Magistrates Court Ikama Ikya (good talk), Injinoo Community Justice Group, Murri Ministry Tablelands Justice Services, (Mareeba, Atherton and Ngalma-Ngalma (Ravenshoe) Community Justice Groups), Democrats Qld Division Inc., Doomadgee Aboriginal Shire Council and Ipswich Women's Centre Against Domestic Violence.
WRITTEN SUBMISSIONS	<p>Ministerial Submissions from the Honourable Rod Welford MP, Judy Spence MP, John Mickel MP, Stephen Robertson MP and Peter Beattie MP</p> <p>Director-General Submissions from Laurie Longland (A/DG, Tourism, Fair Trading and Wine Industry Development), Frank Rockett (Corrective Services), James Purtill (EPA), Dr Warren Hoey (DATSIP), Bob McCarthy (NRM), Linda Apelt (Communities), Alan Tesch (Main Roads), Jim Varghese (DPI), Bruce Wilson (QT), Tim Spencer (A/Under Treasurer, Treasury), Uschi Schreiber (Health), Peter Henneken (DIR), Michael Kinnane (Emergency Services), Natalie McDonald (Housing)</p> <p>Greg Wiman of Department of Justice, Indigenous Issues Committee Magistrates Court, Southside Secondary Education Petition</p>
TELEPHONE SUBMISSIONS	Mackay Community Justice Group, Coen Community Justice Group, Chris Trevor, President of the Gladstone Labor Party, Normanton Community Justice Group, Mornington Island Community Justice Group, Doomadgee Community Justice Group and Cloncurry Community Justice Group